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THE INDIAN POLICY OF THE REPUBLIC OF TEXAS

ANNA MUCKLEROX

CHAPTER III

INDIAN AFFAIRS UNDER THE AD INTERIM GOVERNMENT

I. THE POLICY OF PROTECTION AND PACIFICATION

The *ad interim* government, established March 17, 1836, was given "full ample and plenary powers to do all and everything which is contemplated to be done by the General Congress of the people, under the powers granted to them by the constitution, saving and excepting all legislative and judicial acts."¹ This government served until October 22, 1836, when the constitution having been ratified, the officers elected by the people as that instrument provided were installed.² President Burnet directed the affairs of the young Republic during the first months of its existence, from March to October. He gave a vivid picture of the critical situation that faced the *ad interim* government in his message to the first Congress, on October 4, 1836. He said:

The government *ad interim* over which I have the honor to preside, has hitherto conducted its labors under every imaginable difficulty. At the institution of that government the forces of the enemy were rapidly advancing into the country with an im-

¹Gammel, *Laws of Texas*, I, 1053.

²Journal of the House of Representatives of the Republic of Texas, 1 Congress, 1 Session, October 3, 1836, to December 22, 1836, 84.

posing array; the means of repelling the formidable invasion were not of sufficient power to inspire general confidence, and many families had abandoned their homes and were fleeing from the approaching devastation. The entire settlements from the Nueces to the Colorado had been broken up, and the fall of the Alamo, where the gallant Travis and his brave associates consecrated their lives to the liberty of Texas, had spread dismay even to the line of the Brassos. Our military force in the field was greatly inferior in number to that of the host that was marching against us; and were it not, that there was a vast discrepancy between the military capacities of the opposing armies, the subjugation of Texas would have appeared inevitable; but that discrepancy had constituted an important ground of confidence in the secession, and it was worthy of all estimation; for it was discrepancy not only of military powers, but of moral attributes and of political knowledge.³

It was impossible with affairs in the chaotic state which prevailed during the first few months after the Declaration of Independence to do more than meet issues as they arose. The Indian situation was in a very critical condition just at this time. The convention had failed to ratify the treaty made with the Cherokees and their associate bands, by Houston and Forbes in February.⁴ The various governing bodies of Texas had up to this time pursued a policy of pacification toward the Indians. The failure of the Convention to continue this policy probably created a hostile feeling among the Cherokees and their associate bands, which might result in real war.⁵ Besides this, the wild tribes, always intent on plunder and scalps, were ready to take every advantage of the unsettled condition of the country. The *ad interim* government faced an extremely difficult situation.

The twofold Indian policy of protection and pacification had been definitely established by the revolutionary governments. The

³Journal of the House of Representatives of the Republic of Texas, 1 Congress, 1 Session, 11-22.

⁴Marshall says (in his *History of the Western Boundary of the Louisiana Purchase, 1819-1841*, 139-146) that the convention refused to ratify this treaty, and gives Kennedy as a reference. The writer has been unable to find that any action whatever was taken on the matter by the Convention. It seems that other affairs crowded in so fast that the treaty was never brought up for discussion. Though this was, in a way, similar to a refusal, and may have been considered so by the Indians, still no vote was really taken on the treaty by the Convention.

⁵Marshall, *A History of the Western Boundary of the Louisiana Purchase, 1819-1841*, 140.

Consultation, in the plan adopted for the provisional government, had provided for the organization of a force of one hundred and fifty rangers to be placed in detachments along the frontier. The General Council had passed an ordinance establishing a corps of rangers, and had proceeded to elect the officers to command it. Governor Smith, in compliance with the provision of the Consultation, organized a company of rangers under Captain Robert M. Coleman. Detachments of this company were placed at various points on the Trinity, Brazos, Colorado and Little Rivers. Very little is known concerning the organization and operation of the rangers under the *ad interim* government. However, it is certain that Captain Coleman remained in charge of a company until Houston became president, when he was dismissed.⁶ Wilbarger, in his book on *Indian Depredations in Texas*, mentions an engagement between a company of rangers commanded by Captain William Hill, and a band of Indians. The fight took place on San Gabriel River in the summer of 1836. There were fifty rangers and about seventy Indians.⁷ Although so little is known concerning the rangers between March and October, 1836, it can be seen from the above statements that the policy of frontier protection was practiced during the period of the *ad interim* government.

The policy of pacification was somewhat changed by the new government. During the first few months of the Republic's existence it had been necessary to secure the neutrality, and if possible the friendship, of the Indians. Now that this crisis had passed the government became more careful of the promises it made. On March 19, 1836, President Burnet informed M. B. Menard that he had been selected to treat with the Indian tribes generally. In his letter to Menard he disclosed the salient point of his policy, which was to secure the neutrality of the red men, without definitely promising them lands. He said:

It is a matter of great importance to secure the entire neutrality, at least, of the Indian tribes generally, and especially of such of them as have migrated from the north. Your experience in Indian affairs renders it very desirable to have the benefit of your agency in affecting this object.

⁶Wooten (editor), *A Comprehensive History of Texas*, II, 336.

⁷Wilbarger, *Indian Depredations in Texas*, 222.

Accompanying this you will receive Your Commission and I hope You will make it convenient to proceed with all despatch, to the place of operation. Your known familiarity with the peculiarities of the Indian Character induces the government to invest You with much discretionary power: but I must enjoin it upon you, to avoid with great caution, entering into any Specific treaty, relating to boundaries, that may compromit the interests of actual Settlers. It may very plausibly and justly be represented to the Chiefs, that we are too much occupied at this time, to negotiate positive treaties—that ample justice Shall be rendered to them as Soon as the foreign relations of the Country are adjusted on a peaceable footing—and that lands adequate to their wants will be fully granted for their exclusive use.

Menard was authorized to draw on the War Department for a sum not exceeding two thousand dollars to be used in buying presents for the chiefs if such presents would further his mission.⁸ The whole tenor of these instructions shows that the government was becoming more cautious and calculating in its dealing with the Indians. The promises of the Consultation were forgotten. Although the Republic was being invaded by a Mexican army, and was in constant danger of an Indian uprising, still it had begun coolly to calculate the value of the lands claimed by the Indians. It must, of course, be remembered that Burnet was one of the empresarios whose grant overlapped the lands claimed by the Cherokees. His contract had expired in December, 1835, and it can be seen that personal consideration may have influenced his Indian policy.

II. THE GAINES EPISODE

The most important Indian affair during the *ad interim* government was in eastern Texas, and resulted in the occupation of Nacogdoches by the United States troops.⁹ General Gaines, who was in command of the Southwestern Division of the United States Army, believed that this action was necessary to prevent

⁸Manuscript: President David G. Burnet to M. B. Menard, March 19, 1836. Indian Affairs, State Library.

⁹This question has been thoroughly investigated by two historians of today, Dr. Eugene C. Barker and Dr. Thomas M. Marshall. Dr. Barker's article on this question is in the *Mississippi Valley Historical Review*, I, 3-30, and is entitled "The United States and Mexico, 1835-1837." Dr. Marshall in his book, *A History of the Western Boundary of the Louisiana Purchase, 1819-1841*, discusses the question fully in chapters VIII, IX, X.

Indian uprisings from spreading to both sides of the boundary line, and he thought that he was justified by the treaty of 1831 between the United States and Mexico, by which each country pledged itself to keep its own Indians from molesting the other. Every effort had been made by the Civil Government and by the citizens of Nacogdoches to convince Gaines that there was danger of serious disturbances by the Indians. Dr. Barker believes that "alarming reports of warlike Indian movements were deliberately manufactured, or at the least greatly exaggerated," for the purpose of gaining the intervention of the United States.¹⁰ This is suggested by a letter from Sam P. Carson, the Texan Secretary of State, to President Burnet on April 14. After recounting some of the perplexities that confronted Gaines, he said:

I cannot state positively what General Gaines may do, but one thing I think I may say, that should he be satisfied of the fact that the Mexicans have incited *any Indians*, who are under the control of the United States, to commit depredations on either side of the line, he will doubtless view it as a violation of the treaty referred to, and be assured that he will maintain the honor of his country and punish the aggressor, be he who he may. Now the *fact is* that the Mexicans have already with them a number of Caddoes, some Cherokees, and Indians of other tribes which are under the protection and control of the United States. It is only necessary then to satisfy General Gaines of the fact, in which case, be assured he will act with energy and efficiency. The proofs will, I have no doubt be abundant by the time he reaches the Sabine; in which case he will cross and move upon the aggressors.¹¹

The Committee of Safety at Nacogdoches and private citizens of that place lost no time in bringing before Gaines the desired proofs concerning the Indians. C. H. Sims and William Sims had been sent by the committee to the Cherokees, and on April 11 they returned and reported. C. H. Sims stated that he had visited the Cherokees thirty miles west of Nacogdoches, and had found them very hostile, and in fact preparing for war. He said that they had killed Brooks Williams, an American trader among

¹⁰Barker, "The United States and Mexico, 1835-1837," in *The Mississippi Valley Historical Review*, I, 18.

¹¹Johnson-Barker, *Texas and Texans*, I, 446. The chapter in which this letter is found was written by Dr. Barker.

them. The Indians had informed him that a large body of Caddo, Kichai, Eyeish, Tawakoni, Waco, and Comanche were expected to attack the settlements and in all probability the Cherokees would join them. The number of Indians gathered on the Trinity was estimated at seventeen hundred. Bowl, the Cherokee Chief, had advised Sims to leave the country on account of the great danger. William Sims testified to about the same facts, except that he mentioned that the Mexicans were among the Indians on the Trinity. The deposition of M. B. Menard was taken before the Committee of Nacogdoches on the same day. He stated that by request of the authorities of the country, he had visited the Shawnee, Delaware, and Kickapoo Indians, and that he had found them friendly. The chiefs, however, had reported to Menard that Bowl had attempted to induce them to follow him in the attack which he intended to make very soon on the Americans, but that they had refused. The committee received further evidence that the Indians intended attacking Nacogdoches through a letter from James and Ralph Chester, in which these men asserted that the Indians led by the Caddos had crossed the Trinity and were preparing for hostilities.¹²

On account of these various reports of an organized movement of the Indians against the settlements, the Nacogdoches Committee of Safety appointed John T. Mason as the head of affairs and suspended civil authority. Mason was at Thompson's Tavern when the news of his appointment came. The next day, April 13, he received a short dispatch from R. A. Irion, acting commander of Nacogdoches, stating that the information concerning the Indians had been confirmed, and that the inhabitants were evacuating the town.¹³ Mason at once proceeded to Fort Jessup, from which place he sent a dispatch to Gaines, saying that the information received concerning the Indians and Mexicans had come from persons of "unquestionable authority." He went so far as to say that probably, "at this moment, Nacogdoches is occupied by the Indians and Mexicans; and if they pursue the families on

¹²Depositions of C. H. and William Sims, M. B. Menard, and a letter from James and Ralph Chester to the Committee of Vigilance and Safety of Nacogdoches, all of April 11, 1836. House Executive Documents of the United States, 25 Congress, 2 Session, XII, Document 351, 775-776.

¹³Irion to Mason, April 12, 1836. House Executive Documents, 25 Congress, 2 Session, XII, Document 351, 781.

their flight, all must be massacred, without instantaneous relief.”¹⁴ On account of the information received through Mason and the testimony of Miguel Cortinez,¹⁵ Gaines sent eight companies of the Sixth and five companies of the Third Infantry to the Sabine River.¹⁶ He established a camp on the site of Wilkinson’s former camp. No further communications confirming Indian hostilities were received, so Gaines did nothing except send out a statement to Bowl and the other chiefs warning them not to attack the inhabitants on the border.¹⁷ Lieutenant Joseph Bonnell, who was sent by Gaines to investigate the Indian situation, reported at Camp Sabine on April 20. The substance of his communication was that a Mexican by the name of Manuel Flores had been trying to incite the Caddo to war on the Texans.¹⁸ Bonnell’s report did not show any necessity for a further advance of the United States troops, and on April 28, Gaines received reliable reports of the battle of San Jacinto, and the information that the Cherokees from the United States intended “to return to their villages, plant corn and be peaceable.”¹⁹ The Indian excitement died down. Toward the end of June, however, Gaines received further information of Indian hostilities, which convinced him that Nacogdoches should be occupied. It is not known exactly when the first United States troops arrived in that place, but it is certain that they remained there from July 31 to December 19.²⁰ The Indian war never materialized, and Mexico was unable to invade Texas because of domestic and financial troubles.²¹ No doubt

¹⁴Mason to Gaines, April 13, 1836, House Executive Documents, 25 Congress, 2 Session, XII, Document 351, 780-781.

¹⁵Testimony of Miguel de Cortinez, interpreted by Nathaniel Amory, given before Gaines, April 12, 1836, House Executive Documents, 25 Congress, 2 Session, XII, Document 351, 781. Note: Cortinez stated that he had been among the Cherokee in February, where he had seen his brother, who told him that he held a commission from General Cos to raise the Indians against the Texans.

¹⁶Marshall, *A History of the Western Boundary of the Louisiana Purchase, 1819-1841*, 155.

¹⁷*Ibid.*, 155.

¹⁸Report of Bonnell, April 20, 1836, House Executive Documents, 25 Congress, 2 Session, XII, Document 351, 774-775.

¹⁹Barker, “The United States and Mexico, 1835-1837,” in *The Mississippi Valley Historical Review*, I, 19.

²⁰*Ibid.*, I, 20.

²¹Marshall, *A History of the Western Boundary of the Louisiana Purchase, 1819-1841*, 184.

the Indians were held in check by the presence of the troops, if they ever intended attacking the settlements. It seems that Gaines, however sincere in his belief that danger existed, and however honest in his desire to protect the frontier of the United States, was nevertheless over-credulous in regard to intended Indian hostilities. There was some hearsay evidence for believing that there were Mexican emissaries among the Indians, but this charge has never been proved in any substantial way against Mexico.²²

On October 22, 1836, General Houston, who had been elected president under the new constitution, was duly inaugurated. The *ad interim* government had served its purpose and resigned. Burnet had not carried out any definite Indian policy. It seems to have been his purpose merely to tide things over this crucial period, without committing the government to any definite promise which might later be regretted.

CHAPTER IV

THE INDIAN POLICY OF HOUSTON'S FIRST ADMINISTRATION (OCTOBER 22, 1836-DECEMBER 10, 1838)

I. HOUSTON'S INDIAN POLICY DECLARED

President Houston maintained unalterably that the government should establish a wise and just policy of peace, friendship, and commerce, with the Indians. In his inaugural address, October 22, 1836, he said:

A subject of no small importance to our welfare, is the situation of an extensive frontier, bordered by Indians, and subject to their depredations. Treaties of peace and amity and the maintenance of good faith with the Indians, present themselves to my mind as the most rational ground on which to obtain their friendship. Abstain on our part from aggression, establish commerce with the different tribes, supply their useful and necessary wants, maintain even handed justice with them, and natural reason will teach them the utility of our friendship.²³

This policy, established on principle, was uncolored either by

²²Barker, "The United States and Mexico, 1835-1837," in *The Mississippi Valley Historical Review*, I, 26.

²³Journal of the House of Representatives of the Republic of Texas, 1 Congress, 1 Session, 66.

the soldier's spirit of aggression or the frontiersman's desire for land. In his message to Congress, May 5, 1837, Houston brings out the fact that although the government should pursue a conciliatory policy towards the Indians, it should also take measures to prevent unprovoked depredations.

It is within the province of this government to enquire into the causes which have produced these calamities, [depredations by the Caddoes] and no vigilance on my part shall be wanting to prevent their recurrence. I feel fully aware that the policy of this government is to pursue a just and liberal course towards our Indian neighbors; and to prevent all encroachments upon their rights.²⁴

The president in his second annual message, November 21, 1837, went more fully into his ideas concerning the relations between the government and the Indians.

It is of much interest to our country that our relations with our Indian neighbors should be placed upon a basis of lasting peace and friendship. Convinced of this truth, it has been the policy of the administration to seek out every possible means to accomplish this object, and give security to our frontier. At this time I deem the indications more favorable than they have been since Texas assumed her present attitude. Measures are in progress with the several tribes, which, with the aid of suitable appropriations by Congress, may enable us to attain the objects of peace and friendly intercourse. Apprized of these facts, it is desirable that the citizens of Texas should so deport themselves, as to become the aggressors in no case, but to evince a conciliatory disposition, whenever it can be done, consistently, with justice and humanity. Unofficially it has been communicated to the Executive that several small tribes residing within our settlements express a disposition, (if the government will assign them a country on the frontier,) to remove from their present situations. The undeviating opinion of the Executive has been, that from the establishment of trading houses on the frontier, (under prudent regulations) and the appointment of capable and honest agents, the happiest results might be anticipated for the country. The intercourse between the citizens and Indians should be regulated by acts of Congress which experience will readily suggest. The situation of Texas at this time would doubtless justify the establishment of martial law at such out-posts as are detached from

²⁴Journal of the House of Representatives of the Republic of Texas, 1 Congress, 2 Session, 12.

the body of our population, and it does seem to me that no injury could arise from the adoption of the measures.²⁵

Houston was very much opposed to the policy of sending out companies for the general purpose of operating against any hostile Indians on the frontier. On May 25, 1838, he returned to Congress an act of that nature, with a veto message. Besides other objectionable features in the bill, the president pointed out that men sent to the frontier felt that they must distinguish themselves, and in attempting to accomplish this made war indiscriminately on whatever Indians crossed their path. By such imprudent actions tribes that were peaceable, or in the act of making treaties, were forced to resume hostilities. Instead of sending out companies to operate against hostile Indians in general, Houston suggested another way of handling the situation. He said:

If means were placed at the disposal of the executive, and agencies with trading houses should be established at the proper points on the frontier, with a few troops stationed at each place, who will do their duty, and white men and companies on the frontier will act with prudence, less than one-fourth of the amount required to sustain the force contemplated in this act will make peace, and preserve it, on the frontier. The Indians of the prairies have no local habitations, and, therefore, we can not hope to conquer them by any number of troops. They can elude us when they do not wish to fight, nor will they fight without an advantage in the prairies—we cannot overtake them for they are fleet horsemen, and can disperse themselves with a signal, to meet at any point, having a knowledge of the whole region unknown to white men. If we can once treat, and they find that they can trade with us—and learn that we are not their enemies they will become our friends. The executive has never yet known a treaty made with an Indian tribe first infringed or violated by them. Everything will be gained by peace, but nothing will be gained by war. The Comanches have lately come in and desired peace. They are powerful, and if peace is made with them they will find it to their interest and security to obtain from the hostile tribes, on their borders, obedience to them and peace to us. The reason is obvious, because should depredations occur, they would be liable to

²⁵Journal of the House of Representatives of the Republic of Texas, 2 Congress, 1 Session, 158-159.

suspicion, which would interrupt their trade and intercourse with the Texans.²⁶

Houston's policy was based on the firm principle that might is not right. He seems to have been thoroughly convinced that the policy of peace, friendship, and commerce, was not only ethically sound but practical and expedient. At the beginning of the year 1838 the land offices were opened and surveyors and locators had gone beyond the settlements and had begun their operations.²⁷ In his message to Congress on November 24, 1838, Houston brought out the fact that for purposes of private speculation and individual benefit the country was about to be involved in an Indian war. He suggested "at least for some time to come, that restrictions should be laid upon all surveying beyond the limits of the settlements, and that the enterprize which has heretofore been employed in individual benefit, should be directed in some channel that will enable the Executive to repel the aggression of the Indians and chastize them for all wanton outrages so far as the energies of the nation can be combined."²⁸ Houston consistently maintained that in dealing with the Indians it was right, economical, and expedient to refrain from acts of aggression, to negotiate treaties of friendship and to establish trading posts along the frontier.

II. MEASURES OF DEFENSE AGAINST THE INDIANS

Houston, though opposed to aggression against the Indians, was in favor of the sure protection of the frontier, and during his administration Congress passed several bills with this object in view. On November 19, 1836, an act for the protection of the frontier came up for discussion in the House, and was passed on November 21, and signed by Houston December 5. The bill provided: that the president be required to raise a battalion of two hundred and eighty mounted riflemen to guard the frontier; that in cases of emergency he be authorized to order out the

²⁶Journal of the House of Representatives of the Republic of Texas, 2 Congress, Adjourned Session, 171-173.

²⁷Yoakum, *History of Texas*, II, 248.

²⁸Journal of the House of Representatives of the Republic of Texas, 3 Congress, Regular Session, 87-93.

militia; that he be given authority to establish blockhouses, forts, and trading posts at his discretion; and that he be given power to secure the peace of the Indians by sending agents among them, by making treaties with the various tribes and by giving them presents.²⁹ In accordance with that part of the act authorizing the president to employ such forces as he might deem necessary for the protection of the frontier, the Secretary of War, William S. Fisher, with the consent of Houston, detailed Lieutenant Colonel Lysander Wells as commander on the frontier from the River Guadalupe to the Sabine.³⁰

During the winter and spring of 1837, the frontier of Texas was in a very unsettled condition on account of Indian depredations.³¹ Some time in the spring Houston had sent Bowl, the Cherokee chief, to try to conciliate the prairie Indians. Bowl claimed that he was poorly received by the wild Indians and said that he and his tribe would join in a war against them.³² It seemed that further protection was required. Besides the natural friction which existed between the Indians and the white settlers, there was the additional disturbance caused by Mexican emissaries among the savages urging them to make war on the Texans.³³ The second session of the first congress met May 1-June 13, 1837, at Houston. A joint committee on Indian affairs reported May 20, recommending active operations against the hostile Indians. In describing the condition of the frontier the committee said: that the several tribes near the extreme western settlements had been and still were hostile; that murders and depredations were of almost daily occurrence; that the Indians had penetrated even below the San Antonio road, and had murdered several citizens on the Brazos, Trinity and Neches Rivers; and that unless means of repelling their aggressions were speedily increased, their attacks, robberies, and murders would spread extensively and prob-

²⁹Journal of the House of Representatives of the Republic of Texas, 1 Congress, 1 Session, 171-172; Gammel, *Laws of Texas*, I, 1113-1114.

³⁰Winkler (editor), *Secret Journals of the Senate of the Republic of Texas*, May 10, 1837, 47.

³¹Yoakum, *History of Texas*, II, 213.

³²*Telegraph and Texas Register*, June 20, 1837.

³³*Ibid.*, II, 227; Journal of the House of Representatives, 1 Congress, 2 Session, 12. Manuscript: Vicente Cordova to Manuel Flores, July 19, 1838. Indian Affairs, Texas State Library.

ably involve the whole country in an Indian war.³⁴ In consequence of the desperate conditions of the exposed settlements a bill for the better protection of the northern frontier was passed by the Senate May 22, 1837, and by the House on the day following, and signed by the president June 12. It provided: that a corps of six hundred mounted men be raised by volunteer enlistment, for a term of six months, of which the officers were to be appointed by the president "with the advice and consent of the Senate"; that officers and privates were to furnish themselves with a horse, a gun, two hundred rounds of ammunition, and all other equipment except beef; that officers were to receive the same pay as those of corresponding rank in the ranger service, and privates twenty-five dollars a month; that both officers and men were to receive a bounty of six hundred and forty acres of land; that the corps was to be divided in three divisions to rendezvous wherever the president might direct; and that the president was to have the power to discharge the men, if expedient, before six months had expired.³⁵ Although the president did not approve this bill until June 12, he sent in his list of nominations for officers on May 31, and it was taken up the next day, and all except one were approved.³⁶ A report from the committee on military affairs brought the frontier situation again before the House on June 5. In order to relieve conditions, it suggested, that the corps of mounted gunmen be immediately organized, and that the regular ranger service be increased.³⁷ In consequence of this report a joint resolution was passed June 7, 1837, authorizing the president to leave the seat of government to organize the corps of mounted gunmen,³⁸ and on June 12, an act was passed giving him the power to call out "such a portion of the militia as he may think proper for the better protection of the frontier."³⁹

The Adjourned Session of the Second Congress, which met in Houston from April 6 to May 24, 1838, passed an act requiring

³⁴Journal of the House of Representatives, 1 Congress, 2 Session, 50-51.

³⁵Gammel, *Laws of Texas*, I, 1334-1335.

³⁶Winkler (editor), *Secret Journals of the Senate*, 1 Congress, 2 Session, 59-60.

³⁷Journal of the House of Representatives, 1 Congress, 2 Session, 103.

³⁸Gammel, *Laws of Texas*, I, 1304.

³⁹Gammel, *Laws of Texas*, I, 1327.

the president "to order out a sufficient number of mounted gunmen, from each brigade, to commence active operations against the hostile Indians on the frontier."⁴⁰ Houston returned the bill unsigned on May 23, with the remark that it was "in every feature objectionable." The experience of the past winter and spring, he said, had made him realize that to send a band of men to the frontier to operate against hostile Indians in general was entirely the wrong method of handling the Indian situation. The House passed the bill over the president's veto, but it failed in the Senate.⁴¹ This session passed an act providing that the president be "authorized and required to raise a corps of regular cavalry, not exceeding two hundred and eighty rank and file," for the protection of the southwestern frontier. Houston signed the bill on May 15, 1838.⁴² He believed in the regular, organized protection of the frontier, but did not consider expeditions against hostile Indians in general, expedient.

During the summer and fall of 1838 several Indian disturbances occurred. Colonel Henry W. Karnes with a company of twenty-one men, was attacked by about two hundred Comanches near the Arroyo Seco. The Indians were defeated and driven off. This happened on August 10, and about the same time the strange rebellion at Nacogdoches took place. It was reported to General Rusk that about a hundred Mexicans were gathered on the Angelina River, under the command of Nathaniel Norris, Cordova, and Cruz. Rusk raised a company of sixty men and stationed them on the lower crossing of the Angelina. August 10, it was reported that the Mexicans had been joined by about three hundred Indians, and that the whole force amounted to about six hundred. On the same day Houston received a letter from the leaders declaring that they no longer owed allegiance to Texas. Major Augustin was dispatched with one hundred and fifty men to follow the insurgents to the Cherokee village, where it was said they were going. General Rusk was ordered to march in a direct route to the same place, but when he reached the Saline, he dis-

⁴⁰Journal of the House of Representatives, 2 Congress, Adjourned Session, 171.

⁴¹*Ibid.*, 171-173; Journal of the Senate of the Republic of Texas, May 23, 1838, 2 Congress, Adjourned Session, 102.

⁴²Gammel, *Laws of Texas*, I, 1480-1481.

covered that the band had dispersed. After the rebels collected, they evidently came to the conclusion that a successful revolution was impossible and they gave up their plans.⁴³ In October a band of Mexicans and Indians were committing depredations on the frontier. General Rusk, at the head of two hundred men, marched to the Kickapoo village, where the marauders were encamped, and on October 16 attacked and completely routed them.⁴⁴

When the Regular Session of the Third Congress met November 5, 1838, it took active measures for the immediate relief of the frontier situation. On November 6, a bill providing for the appropriation of twenty thousand dollars to fit out two hundred and fifty militia men, was signed by the president. These men under the command of General Rusk were "to quell the insurrection now existing among the Indians and Mexicans."⁴⁵ On November 16, Houston signed three bills, which related to the frontier situation. The first, authorized the president "to draw upon the Treasury for the necessary funds to defray the expenses of transporting arms, ammunition, troops," etc., etc., to the frontiers of Texas for their protection. The second required the president to issue "one hundred thousand dollars of Promissory Notes of the Government," for purposes of frontier protection. The third pledged the faith of Congress, that all citizens who volunteered in defense of "our exposed and suffering frontiers," would be remunerated, and recommended that the citizens elect their own officers, promising that Congress would ratify and legalize all such elections.⁴⁶

In order to carry out these plans General Rusk left Nacogdoches on November 16, "for the purpose of visiting the counties of Red River, and Fannin," to raise a force for the purpose of attacking the villages of the Indians on the Three Forks of the Trinity.⁴⁷ Rusk proceeded to the Louisiana border, where he found a company under Captain Tarrant about to attack the Caddo Indians from the United States. It was believed that

⁴³Yoakum, *History of Texas*, II, 245-246.

⁴⁴*Ibid.*, II, 247-248.

⁴⁵Gammel, *Laws of Texas*, II, 3.

⁴⁶*Ibid.*, II, 4-5.

⁴⁷Manuscript: Thomas J. Rusk, to Secretary of War, December 1, 1838. Indian Affairs, Texas State Library.

these Indians were about to cross into Texas to commit depredations. Rusk forced the Caddo to surrender, and turned their arms over to their agent in Shreveport. He promised the Indians that the government of Texas would support them.⁴⁸ In his letter to the Secretary of War on December 1, 1838, Rusk, after describing the above incident, said:

I shall proceed with Col. McLeod to Red River in the morning where I hope to be able to raise a sufficient force to proceed at once to the Three Forks of the Trinity. In the meantime it is important to urge upon Congress the necessity of making permanent arrangements for the defense of the frontiers. It will not do to depend upon the Militia for that purpose unless the laws regulating them are made much more rigid than at present.⁴⁹

III. TREATY NEGOTIATIONS

Houston believed firmly in the expediency and justice of negotiating treaties with the Indians, and did all in his power to make the establishment of friendly relations with the tribes, the vital policy of his administration. In order to appoint commissioners, and make treaties, however, he was obliged to have "the advice and consent of two-thirds of the senate," so that he was not able to execute all his plans.⁵⁰ On November 9, 1836, the president sent a message to the senate nominating certain commissioners to treat with the Indians. He said that information had been received that large bodies of Indians had assembled on the Trinity and were desirous of forming treaties of peace with the government. "I cannot too forcibly recommend the adoption of any means which will attach them to us, nor too seriously impress upon you the policy of drawing them to us by chords of friendship by means of treaties and of Commerce."⁵¹ One of the president's nominees was rejected by the senate, so on November 10, he sent two other names for their approval. Again the senate

⁴⁸*Ibid.*; Yoakum, *History of Texas*, II, 260.

⁴⁹Manuscript: Thomas J. Rusk, to the Secretary of War, December 1, 1838. Indian Affairs, Texas State Library. Rusk's further movements in this expedition cannot be traced with the sources at hand.

⁵⁰Gammel, *Laws of Texas*, I, 1076, Constitution of the Republic, Article VI, Section 5.

⁵¹Winkler (editor), *Secret Journals of the Senate*, 1 Congress, 1 Session, 19.

refused to act favorably on one of the names, but finally, on November 12, Houston appointed two men that were approved. Nath Robins, Kelsey H. Douglas, and Henry Millard were the men appointed as Indian commissioners, with Hayden S. Arnold as secretary.⁵² Although other men served as Indian commissioners during Houston's administration, there is no record that their names ever came up in the senate for ratification.

December 20, 1836, Houston sent the Cherokee Treaty made February 23, 1836, to the senate with a message recommending its approval.

You will find upon examining this treaty, that it is just and equitable, and perhaps the best which could be made at the present time. It only secures to the said Indians the usufructuary right to the country included within the boundary described in the treaty, and does not part with the right of soil, which is in this Government; neither are the rights of any citizen of the Republic impaired by the views of the treaty, but are all carefully secured by the third article of the same . . . and should you ratify and confirm this treaty, it doubtless would tend to secure their permanent friendship, a thing at this time much to be desired.⁵³

The Senate Standing Committee on Indian Affairs reported October 12, 1837. After listing and describing the Indian tribes in the confines of the Republic, the committee took up the Cherokee Treaty. It declared: that the act of the Consultation guaranteeing certain lands to the Cherokees was based on a false premise, for the Mexican Government had never granted land titles to these Indians; that the Consultation, in making the promises to the Cherokees had overstepped its authority, consequently its act was not binding on the present government; and that the Cherokees, by repeated hostilities, had forfeited all possible rights. The committee also reported at this time that a treaty had lately been concluded by T. J. Rusk and K. H. Douglas with the Anadaco and Ionie tribes, and that another was in process of negotiation by Jesse Watkins with the "Keechie Wakko Towiash and Tywocani" tribes. After concluding its report, the committee submitted the following resolutions: that the Senate refuse to

⁵²*Ibid.*, 19-22.

⁵³Winkler (editor), *Secret Journals of the Senate*, 1 Congress, 1 Session, 36.

ratify the Treaty of February 22, 1836; that it ratify the treaty made by Rusk and Douglas with the "Ionie and Anadaco" Indians on August 21, 1837; that the president be authorized and advised to appoint commissioners to conclude a treaty with the Comanches, but that no title to land be granted them; that should the treaty in course of negotiation by Jesse Watkins be perfected, the Senate should recommend the establishment of not less than three blockhouses on the northern and western frontier; and that the Senate consider the northern tribes of Indians residing in Texas, under the authority of the United States and recommend that that government control them.⁵⁴ December 26, 1837, the Senate took up this report and declared the treaty made by Houston and Forbes, with the Cherokees "null and void."⁵⁵ In spite of the fact that the treaty had been rejected, Houston wrote Rusk, on October 10, 1838, instructing him to have the boundary line surveyed. The letter shows that the president considered this action vitally necessary. He said:

Sir—I have the honor to communicate to you, and order you to have the line run, between the Cherokees and their associate bands, agreeably to the treaty concluded February 23, 1836, between them and the Government of Texas. This should be done immediately, it will do more to conciliate the Indians and give protection to the eastern section of Texas, than ten thousand men in the field would produce. If it is not immediately done, all future calamities must be attributed to its omission. I am satisfied if it is not done that there will be another runaway scrape and Eastern Texas will be desolated. Direct it to be done immediately, and I charge you with its execution; Simms will act as a commissioner on the part of the Republic of Texas, and to him you will communicate the order for immediate execution. This done and eastern Texas will have less to apprehend for its future safety. If it is not done an Indian war may ensue which will cost more blood and treasure than ought to purchase twenty such Indian countries, emigration will be stopped and the misfortunes resulting will not be retrieved in ten years.⁵⁶

Houston wrote also to Colonel Alexander Horton at the same

⁵⁴Winkler (editor), *Secret Journals of the Senate*, 2 Congress, 1 Session, 74-78; Manuscript: Report of Standing Committee of Senate on Indian Affairs, October 12, 1837. Indian Affairs, Texas State Library.

⁵⁵Winkler (editor), *Secret Journals of the Senate*, 2 Congress, 2 Session, 101.

⁵⁶Journal of the House of Representatives, 3 Congress, 1 Session, 92-93.

time (October 10), telling him in case the line between the whites and Indians had not been run by October 20, to employ the necessary force and mark the boundary.⁵⁷ On November 20, Horton notified the Executive that he had succeeded in running the line as directed.⁵⁸ The House of Representatives passed a resolution, November 12, 1838, requiring the president to inform that body whether or not he had appointed a commissioner to run the Cherokee boundary and if so by what authority.⁵⁹ Houston's message defending the validity of the Cherokee Treaty and justifying his action in having the line surveyed, was read in the House November 24, 1838. He argued: that the Consultation had declared that the Cherokees should be guaranteed certain lands; that the General Council, in order to carry out this promise, had appointed commissioners to establish the definite boundary line by treaty; and that the treaty thus formed was valid, because the Convention of March, 1836, had sanctioned and confirmed the acts of the General Consultation and the General Council. He claimed that he had not therefore sacrificed "principle to expediency," although he had considered it of the utmost importance to the welfare of the frontier to have the boundary line established.⁶⁰ Houston had spoiled the effect of his argument by sending the treaty to the Senate for its ratification, since he claimed to consider it valid without the approval of that body. However, the real basis of the conflict was not the constitutional authority for the president's action, but the fact that Congress opposed the granting of land titles to the Indians. Mirabeau B. Lamar, Houston's successor, was in sympathy with Congress.

On November 22, 1837, a treaty was made by Colonel Henry W. Karnes with the Tonkawa Indians. The treaty was sent by Houston to the Senate, December 18, 1837, and was ratified the following day. By its provisions, the Tonkawa chiefs promised to bury the tomahawk and live in peace and amity. In order to secure the blessings of peace, the Indians obligated themselves to bring to punishment any member of the tribe who committed

⁵⁷Journal of the House of Representatives, 3 Congress, 1 Session, 93.

⁵⁸*Ibid.*, 94-96.

⁵⁹*Ibid.*, 43.

⁶⁰Journal of the House of Representatives, 3 Congress, 1 Session, Houston's Message, November 19, 1838, 87-93.

depredations on the person or property of a citizen of Texas. Trade was to be regulated by an agent appointed by the Texan commissioner, and no trader was allowed to enter the Tonkawa settlement unless he held a passport from the trading agent. In turn, the government of Texas agreed to live on terms of peace and amity with the Tonkawas, and promised to punish all aggressions committed by Texans on the Indians provided sufficient evidence of guilt was adduced. Colonel Karnes appointed Nathaniel Lewis trading agent, "to continue in office until removed by the Government."⁶¹

It will be noticed that the treaty with the Tonkawas makes no reference to land, but provides for peace and regulates trade. There is no record which shows the ratification of any other Indian treaty by the Senate during Houston's first administration. However, as portions of the Secret Journals of the Senate have been lost,⁶² it is possible that some of the treaties may have been ratified between May 4-24, 1838, for here the record is lacking. During 1838, Houston succeeded in having four treaties negotiated with the Indians, although there is no record of their ratification. These treaties were very similar. They contained declarations of peace and friendship, and provisions to prevent future depredations, and to regulate trade. The treaty with the Lipans was made January 8, 1838; with the Tonkawas, April 10, 1838; with the Comanches, May 29, 1838; and with the Kichai, Towakoni, Waco, Towiash, and associate bands, September 2, 1838.⁶³

IV. MEASURES TO REGULATE TRADE WITH THE INDIANS

Through government regulation of commerce and trade with the Indians, Houston believed that the frontier situation could be greatly relieved. In his message to Congress on November 21, 1837, he said:

The undeviating opinion of the Executive has been, that from

⁶¹Manuscript: Treaty with the Tonkawa Indians, November 22, 1837. Indian Affairs, Texas State Library; Secret Journals of the Senate, 2 Congress, 2 Session, 102-105.

⁶²Winkler (editor), Secret Journals of the Senate, 109. The manuscript for the period of May 4-24 has been lost.

⁶³Manuscript: Indian Affairs, Texas State Library.

the establishment of trading houses on the frontier, (under prudent regulations,) and the appointment of capable and honest agents, the happiest results might be anticipated for the country. The intercourse between the citizens and Indians should be regulated by acts of Congress which experience will readily suggest. The situation of Texas at this time would doubtless justify the establishment of martial law at such outposts as are detached from the body of our population, and it does seem to me that no injury could arise from the adoption of the measure.⁶⁴

In a message vetoing a bill for the defense of the frontier, Houston explained the inadvisability of offensive campaigns against the Indians and remarked:

If means were placed at the disposal of the executive, and agencies with trading houses should be established at the proper points on the frontier, with a few troops stationed at each place, who will do their duty, and white men and companies on the frontier will act with prudence, less than one-fourth of the amount required to sustain the force contemplated in this act will make peace, and preserve it, on the frontier.⁶⁵

The Standing Committee of the House on Indian Affairs recommended a policy similar to that advocated by the president. On December 8, 1836, the committee reported: that the Indian depredations on the frontier were caused by the unregulated trading houses on Red River managed by persons "regardless of the consequences of the traffic in which they are engaged"; that these establishments furnished the Indians with weapons in exchange for horses and cattle stolen from citizens of Texas; and that in order to relieve the situation these trading houses should be broken up and others established in their places. The committee recommended the adoption of the following joint resolution:

Resolved by the senate and house of representatives of the Republic of Texas in congress assembled, That the president be authorized to cause and have broken up all trading establishments on Red River, or in that section of the Republic, that furnish hostile Indians with arms, munitions and other supplies, and for the accomplishment of this object he shall issue his proclamation commanding the traders with Indians on the Red River, or in

⁶⁴Journal of the House of Representatives, 2 Congress, Regular Session, 158-159.

⁶⁵Journal of the House of Representatives, 2 Congress, Adjourned Session, May 23, 1838, 172.

that section of the Republic, commanding them forthwith to desist in their traffic, and immediately withdraw from said Indians with all their property; and should said traders refuse so to desist (in their traffic), and break up their establishments, they shall be subject and liable to all the pains and penalties of piracy. The president is further authorized and requested to open a negotiation with the government of the United States for the purpose of putting a stop to said trade and traffic.⁶⁶

The resolution was never brought up for a second reading in the House. The House Standing Committee on Indian Affairs, of the Second Congress, Called Session, made a report on November 1, 1837. The committee recommended: that a conciliatory policy be pursued toward the Indians; that blockhouses and trading houses be established on the frontier, under the direction of the Government, for the purpose of supplying their wants, and opening a channel of commerce for their articles of trade; and that Coffee's Trading House on Red River be suppressed or placed under the surveillance of the Government.⁶⁷

In spite of the president's policy and various Indian committee recommendations, Congress did very little to establish governmental control over the trade with the Indians. An act for the protection of the frontier passed by the First Session of the First Congress contained a provision authorizing the president "to cause to be erected such blockhouses, forts, and trading houses, as in his judgment may be necessary to prevent Indian depredations."⁶⁸ No appropriations were made, however, by which the president would be enabled to carry out the provision. Congress was much more interested in provisions for the military defense of the frontier than in measures for trading houses. Houston to some degree succeeded in regulating the trade with the Indians by treaties. As has already been seen, every treaty made, with the savages during his administration, contained provisions for bringing trade under the direct control of the government. The treaty with the Tonkawas, made November 22, 1837, and ratified December 19, 1837, provided: that Nathaniel Lewis should be appointed trading agent for the tribe, to control trade carried on

⁶⁶Journal of the House of Representatives, 1 Congress, 1 Session, 242.

⁶⁷Journal of the House of Representatives, 2 Congress, Called Session, 82.

⁶⁸Gammel, *Laws of Texas*, Section 5, of an Act for the Protection of the Frontier, I, 1113-1114.

between the Tonkawas and citizens of Texas; that no trader should be allowed to enter the tribe without a passport from the trading agent; and that the Tonkawas should not trade with any persons not legally authorized to carry on traffic among them.⁶⁹ Three of the four other treaties made with the Indians during Houston's administration, of which there is no record of ratification, contain similar provisions regulating trade. In the Lipan Treaty, concluded January 8, 1838, the following article is found:

Art. 3d. The Republic of Texas with a view to manifest to the Lepans her desire to cultivate and secure their friendship and promote their interests and happiness, do agree to appoint a Trader or Traders or establish a Trading House or Houses among them at such points or time as their wandering habits may permit that they may have such articles furnished them as their wants may require and their means enable them to purchase.⁷⁰

The treaty with the Comanches was drawn up and signed by the chiefs and commissioners, on May 29, 1838. It provided for an agent, to be appointed by the government, to protect the rights of the Indians, and to superintend the trade with them.⁷¹

A treaty with the Kichai, Tawakoni, Waco, Towiash, and their associated bands, contained a declaration that these Indians would agree to pay full value for any injury inflicted on the goods or property of such traders as the president might send to their settlements or hunting grounds.⁷²

As far as can be ascertained no other regulations were made during Houston's first administration to regulate trade with the Indians.

⁶⁹Manuscript: "Treaty with the Tonkaways," November 22, 1837, Indian Affairs, State Library; Secret Journals of the Senate, 2 Congress, 2 Session, 102-105.

⁷⁰Manuscript: Treaty with the Lipans, January 8, 1838. Indian Affairs, Texas State Library.

⁷¹Manuscript: Treaty with the Comanches, May 29, 1838. Indian Affairs, Texas State Library.

⁷²Manuscript: Treaty with the Kichai, Tawakoni, Waco, and Towiash and their associate bands of Indians. Indian Affairs, Texas State Library.

V. FOREIGN INFLUENCES PREVENTING PEACEFUL INDIAN RELATIONS

Two foreign influences complicated the Indian situation in Texas, first the inroads of United States Indians, second the pernicious influence of Mexican agents.

On March 1, 1837, Houston wrote to the Secretary of State instructing him to urge upon the United States the necessity of restraining the Caddos.

The Secy. of State will write to the Government of the U. States, and urge in the strongest terms the necessity of sending a force, and at least two companies of mounted men, from the U. States, to keep the Caddos in check beside an infantry force at Nacogdoches.

The last treaty between them, and the U. States, threw them upon us, with feelings of hostility against all Americans. They regard us as part of the American family.

The treaty [with Mexico 1831] demands all we solicit! our demand should be heard.⁷³

In his message to Congress on May 5, 1837, Houston again referred to the subject of the depredations committed on the inhabitants of Texas by Indians from the United States. He recommended that an effort be made to define the boundary between Texas and her northern neighbor, and said that the subject of Caddo Indians inhabiting a portion of the northwestern part of the Republic was directly connected with the boundary question. He said that the tribe had recently ceded certain of their lands to the United States, and that in consequence the Caddos had shown a disposition to unite with the wild Indians of Texas. He had received information that the United States agent had issued rifles and ammunition to the warriors.

The condition and disposition of these Indians as well as their thefts and murders upon our borders, have been subjects on which our ministers at Washington city have been advised and instructed to make immediate and urgent remonstrances to that government, and I am well assured from the character of the gentlemen, that they have not been wanting to their duty in this respect. The principal aggressions on our frontier have either been instigated

⁷³Manuscript: Houston to Secretary of State, March 1, 1837. Indian Affairs, Texas State Library.

or perpetrated by the Caddos. It would be painful to suppose, under the circumstances, that the United States Agent, in furnishing them the means of further injury to the exposed frontier inhabitants of our country, had acted under the orders of his government. It is due to his government to suppose that he has proceeded unadvisedly, and that the stipulations of the treaty concluded between the United States and Mexico in April 1830, will be rigidly adhered to so far as they appertain to the United States and Republic of Texas.⁷⁴

The Standing Committee of the Senate on Indian Affairs which reported on October 12, 1837, incorporated in its resolutions one to the effect that the United States government was responsible for the northern Indians residing in Texas, and should be remonstrated with on that subject.⁷⁵ In dealing with the Indian situation on the northwestern frontier it was the settled policy of the government of Texas to hold the United States to the Treaty of 1831, in which the two countries had mutually promised to restrain the Indians from committing depredations along the border. The question was, however, somewhat complicated by the fact that the boundary was still unsettled. Lieutenant Colonel J. H. Vose, commanding the United States troops at Fort Towson, wrote R. Jones, the Adjutant General at Washington, on April 13, 1838. He stated that an affray had recently taken place between the white people south of Red River and the Choctaws. He said that the population in that part of Arkansas near Fort Towson had increased very much during the last war, and that most of the people had thrown off their allegiance to Arkansas, and had declared themselves under the government of Texas. "Frequent collisions are taking place between the white people and the Choctaws, the Choctaws being thickly settled on one side of the Red River and the white people on the other side, with a number of stores where liquor is kept in large quantities."⁷⁶ A letter from Brigadier General M. Arbuckle to Brigadier General Jones, written April 26, 1838, mentions the same disturbance between the inhabitants south of Red River and the Choc-

⁷⁴Journal of House of Representatives, 1 Congress, 2 Session, 11-12.

⁷⁵Winkler (editor), Secret Journals of the Senate, 2 Congress, 1 Session, 74-79: Manuscript, Report of Standing Committee of Senate on Indian Affairs, October 12, 1837, Indian Affairs. State Library.

⁷⁶House Executive Documents, 25 Congress, 2 Session, Document 434, 3.

taw Indians. He believes that this circumstance will "furnish sufficient evidence that, to ensure peace and good order on the Red River frontier, it is necessary that the United States should possess, at least, all the country as far south as the Sabine River to its source, and as far west as where our frontier boundary-line leaves Red River."⁷⁷ Both the above letters urged the necessity of increasing the military force on Red River in order to control the Indian situation, and preserve peace.

Conditions on the border remained in an unsettled state all during Houston's administration. The Texan ministers to the United States, W. H. Wharton and Memucan Hunt, were more absorbed in the question of annexation than in either establishing the boundary, or urging the control of the Indians. However, on April 25, 1838, a treaty was signed which provided that the United States and Texas should each appoint a commissioner and a surveyor, who were to meet within a year after the ratification of the convention for the purpose of marking the line from the mouth of the Sabine, where it entered the Gulf of Mexico, to the Red River. The ratifications of this treaty were exchanged on October 12, 1838.⁷⁸ J. P. Henderson, in a letter to Anson Jones, said that when he was secretary of state, early in 1837, he had instructed the Texan Ministers at Washington, to insist that the United States prevent her Indians from making inroads into Texas. He added that the Ministers never reported in what manner the government of the United States disposed of this application.⁷⁹

No satisfactory proof has ever been found which shows conclusively that Mexican emissaries were sent in 1836, by the government of Mexico to incite the Indians against the Texans. Miguel de Cortinez testified before Gaines that his brother Eusebio claimed to have a commission from the Mexican General Cos for this purpose, and Lieutenant Bonnell reported to Gaines that Manuel Flores and José María Medrano were both among the

⁷⁷*Ibid.*, 2.

⁷⁸Marshall, *A History of the Western Boundary of the Louisiana Purchase, 1819-1841*, 222-223.

⁷⁹Jones, *Memoranda and Official Correspondence in Relation to the Republic of Texas*, 144-145.

Indians and claimed to represent the Mexican government.⁸⁰ However, during Houston's administration evidence came into the hands of the government which left no doubt about the fact that the Mexicans were then encouraging the Indians to make a general war on the Texans. Yoakum says that during the spring of 1837 a party of Mexicans visited all the frontier Indians of Texas trying to induce them to make war on the Texans.⁸¹ Houston, in his message of May 5, 1837, said:

This government has recently received information from sources entirely satisfactory, that a delegation consisting of twenty northern Indians residing on the borders of the United States, had visited the town of Matamores, and had stipulated with the Mexican authorities, to furnish that government three thousand warriors well armed, so soon as it would invade Texas.⁸²

A letter from Vicente Cordova to Manuel Flores, written July 19, 1838, fell into the hands of the Texans, and there seems to be no reason to doubt the proof contained in this letter. Cordova wrote:

Sir, I hold a commission from General Vicente Felisolo, to raise the Indians as auxiliaries to the National Army, and I have already entered upon my duties, by uniting a meeting of the neighboring tribes, and being informed that you are appointed for the same purpose I would be glad to know what preliminary arrangements you have made towards the accomplishment of the objects contemplated; and I hope you will make every effort to approach with such force as you may have at command as far as you may judge proper, and that you will make all effort to hold with me a verbal communication in order that we may have in our respective stations an understanding, and that you will bring the pipe which I understand you are in possession of, in order that the Indian chiefs may smoke it of the Cherokee and other tribes, who have promised me to unite as soon as possible for action, and who have also agreed that in case our plans should be discovered in the meantime, they then will commence operations with the force we may have at command, and it is highly desirable that you should approach to give us in such case a helping hand.

⁸⁰Marshall, *A History of the Western Boundary of the Louisiana Purchase, 1819-1841*, 154 and 172.

⁸¹Yoakum, *History of Texas*, II, 227.

⁸²Journal of the House of Representatives, 1 Congress, 2 Session, 12.

We have heard here that the troops have commenced operations in La Bahia but do not know whether it is true.

I desire we should treat with each other in full confidence which is necessary to the success of our commission.

I will say no more at present than that you may act in full confidence of your friend

Vicente Cordova⁸³

G. W. Bonnell, Commissioner of Indian Affairs of the Republic of Texas, made a lengthy report on November 3, 1838, in which he stated that Mexican emissaries had been among the Indians stirring their hatred against the white men, and furnishing them with arms and ammunition. He said that the Mexicans had even promised the whole territory to the Indians if they could expel the Americans. However, Bonnell doubted the success of the Mexicans, for he believed that some of the Indian tribes possessed as much hostility for that nation as for the Americans.⁸⁴

VI. COST AND RESULTS OF HOUSTON'S INDIAN POLICY

There was no well organized manner of dealing with Indian affairs during Houston's first administration. Commissioners were supposed to be appointed by the president with the advice and consent of the Senate.⁸⁵ In the treaties made with the Indians provision was made for the appointment of "stationary agents," who were named, in some cases by the commissioners and in others were left for the president to select. Standing committees on Indian affairs were appointed at the beginning of each session of Congress in both the House and the Senate. These committees made reports, in which they suggested any policy they considered wise and expedient. In general, Indian affairs were conducted through the president or the secretary of war. Under this poorly organized system, the results would naturally not be satisfactory.

During the larger part of Houston's administration the poverty of the treasury held down expenditures. Appropriations could

⁸³Manuscript, Vicente Cordova to Manuel Flores, July 19, 1838. Indian Affairs, State Library.

⁸⁴Senate Reports, 30 Congress, 1 Session, 512, Document 171.

⁸⁵Gammel, *Laws of Texas*, I, 1076. Constitution of the Republic of Texas, Article VI, Section 5.

be met only by audited drafts, and orders on agents of land scrip in the United States, or by special donations and loans from individuals. But about November 1, 1837, the issue of treasury notes began, and after that appropriations could be easily met. The result of the issue of treasury notes was the rapid increase in prices, and the decrease in the value of the notes.⁸⁶ The total expenditures from January 1, 1837, to September 30, 1838, were \$1,777,363, of which amount \$430,570 were expended for the army and navy, which includes support of war department, appropriations for Indians, and \$64,014 expended by order of the president.⁸⁷ The comptroller in 1854 estimated that the total expenditures on account of the Indians, 1837-1838, was \$190,000.⁸⁸

Houston had honestly believed in, and consistently carried out, as far as possible, a policy of peace and friendship towards the Indians, but at the close of his administration his work seemed to have been in vain. The depredations of the Indians had not been visibly decreased, and their treaties with the government had been broken.⁸⁹ The natural antagonism of race, and the lack of sympathy and understanding caused by the difference in the degree of civilization, were the two underlying causes that prevented the success of the policy of peace. The immediate cause was the occupation of land by the Indian, which the settlers wanted to use for fields and pastures. The Indians considered that the whites were making encroachments on their hunting grounds, and retaliated by stealing cattle and killing the settlers. Such acts the Texans thought deserved the most severe punishment. The Mexican situation was not acute, the government was well organized, and the country was becoming stronger each day. If the savages would not desist from their depredations, it was beginning to be the general sentiment that a war should be waged against them, which would teach them the value of peace.⁹⁰

(Continued.)

⁸⁶Miller, *A Financial History of Texas*, 20-21.

⁸⁷*Ibid.*, 20, note 5.

⁸⁸*Ibid.*, 25, note 1.

⁸⁹Report of G. W. Bonnell, Commissioner of Indian Affairs, in Senate Reports of the United States, 30 Congress, 1 Session, 512, Document 171, 38-46.

⁹⁰*Ibid.*, 38-46.

SOME ASPECTS OF THE HISTORY OF WEST AND
NORTHWEST TEXAS SINCE 1845

R. C. CRANE

While West and Northwest Texas were settled and developed after Texas had ceased to be a republic and had become a state of the Union, yet that settlement and development came under conditions and policies inherited from the republic.

The fixed and almost uniform policy of the people of our country from the earliest colonial adjustments with the aborigines had been one of agreement by treaty regarding boundaries and mutual rights and relations. President Sam Houston in his first term had followed that policy for Texas with the result that little trouble was experienced with the Indians in the young republic during that administration; but President Lamar, following him, fixed on Texas for all time the policy of warfare on the Indian and expulsion from Texas, or extermination.

For nearly forty years West and Northwest Texas felt the ill effects of that policy; and the consequent animosity always existing between settlers and Indians in Texas had a marked effect in delaying the settlement and development of those regions of the state especially.

Nearly every other part of Texas was settled under a system of land laws under which the first colonists were granted their homes at the rate of a league to the family and a third of a league to the single person. Several million additional acres were granted for military and other services. Later, settlers were granted smaller tracts conditioned on occupancy.

But the settlement and development of that part of the state in question had its commencement after Texas became a state, and under conditions materially different; and its history (including the Panhandle) is as distinct, and its growth and development especially during the past forty years just as phenomenal as had been that of any other part of the state. By coming into the Union, Texas had a right to look to the general government and its army for protection against the Indian and his depredations. And yet that the history of this region is peculiar to itself, calling

for somewhat different treatment; and the fact that the agencies and the army of the United States have had a largely controlling effect in the exploration and the protection of its frontiers, and hence its settlement and development have been, it appears to me, too little realized by those of us interested in the history of Texas. The history of the region is little touched on as a thing worth while, though it contains in area at least one-half of the state, and supports a population several times as great as Texas contained when it came into the Union. Its settlers bought their lands and their homes from the school funds of Texas and from the various railroads and their assignees; lands that had been granted by Texas at the rate of sixteen sections to the mile, in aid of the construction of railroads nearly entirely in other parts of the state.

The policy of thus granting public lands in aid of railroad construction commenced in Texas in 1854 and closed with the exhaustion of the public lands in 1882 when the Southern Pacific and the Texas & Pacific Railways were being connected with a Pacific coast line at El Paso. More railroads were needed to settle and develop the country; but railroads needed people and traffic in the region before they could afford to build, and therefore a slow waiting process commenced about 1882 for West and Northwest Texas, and continued for several years.

But going back, the discovery of gold in California had its bearing on these parts of Texas. For it was by reason of gold in California, and the consequent need of finding and making roads for the Argonauts and for military purposes due to the great westward expansion of our nation following the annexation of Texas and its access of territory following the Mexican war, that the discovery was made that West and Northwest Texas covered a vast region well fitted for white settlers to occupy.

The annexation of Texas brought on the Mexican war; and gold being discovered in California immediately after its occupation after peace, brought a flood of immigrants and gold seekers trooping over mountains and plains who must be provided with roads to the new Golconda, and furnished protection while *en route*. Routes for these roads had to be discovered by explor-

ing hitherto unknown regions, and trails and roads had to be made so that they could be traveled.

The years 1849 and 1850 were busy years for the engineers of the army in exploring unknown West and Northwest Texas for roads, from San Antonio and from Red River to El Paso, there to connect with roads to California. At least two men who rose to distinction during the war between the states—General Joseph E. Johnston and General R. B. Marcy, father-in-law and chief of staff to General Geo. B. McClellan—were engaged in this work, General Johnston from San Antonio and General Marcy from Red River.

In the nature of things these regions being occupied or infested by hostile Indians, the exploration of the country and its resources greatly depended on the efforts put forth by the agencies of the general government; and the discovery of many of the mineral resources of Texas has been the result of those efforts and explorations. But with the rush of gold-seekers to California the need became urgent for roads that could be traveled the year round, free from the dangers and difficulties incident to the trails further north across mountains and plains. This gave to West and Northwest Texas the chance to be discovered.

In the territory of the United States as it existed prior to the annexation of Texas and the Mexican war, there were sixty-three military posts in the whole country. In the year 1851 after the gain of territory greater than was contained in the organized states and territories in the whole country before the two events mentioned, there were one hundred and nine military posts, forty-six of which were in the newly acquired territory, the great bulk of which was unsettled and infested with Indians more or less hostile. Nineteen of these posts were in Texas—mostly in West and Northwest Texas. The army had been increased from something over 8,000 men to less than 13,000, an increase not nearly in proportion to the increased needs and demands on it, incident to the vast increase in territory to be covered and protected. Repeatedly did the generals of the army call attention of Congress to the insufficiency in the numbers of the men of the army to afford efficient frontier protection, but usually with little notable effect.

When Texas was admitted to the Union, the extreme western posts were located at Fort Jessup, in Louisiana; Forts Towson, Washita and Gibson, Indian Territory; Forts Scott and Leavenworth, in Kansas; Forts Atkinson and Snelling, in Minnesota, and Fort Wilkins, on Lake Superior. In 1849 there was a chain of United States Army forts across Texas, running from Fort Duncan on the Rio Grande, by Fort Marvin Scott at Fredericksburg, Fort Croghan in Burnet County, Fort Gates in Coryell County, Fort Graham in Hill County on the Brazos, and Fort Worth in Tarrant County.

Several of these had just been established, but as a result of a survey of "Western Texas" made in the fall of 1849 by Lieutenant Whiting, between that time and 1853, the imaginary line between Texas belonging to the white man, and Texas given over to the Indian, was moved westward, and Forts Marvin Scott, Croghan, Gates and Worth were abandoned, and Forts Belknap, in Young County, and McKavett, in Menard County, Mason, in the county of the same name, Chadbourne, now in Coke County, Phantom Hill, in Jones County, and Stockton, in Pecos County, were established, in addition to several other posts on the Rio Grande.

According to the United States Quartermaster General of the army in 1851 there was not then in all of Texas, New Mexico, California or Oregon, a steamboat line, or a railroad, or even a turnpike road, and all transportation over nearly the whole region west of the Mississippi River was by the slow moving wagon train, drawn by oxen or mules. When supplies had to be gotten to the new frontier forts, in Texas and elsewhere, the increase in the cost of transportation was so great as to alarm the officers of the army; and thereupon this cost problem was investigated.

Fort Leavenworth had steamboat navigation on the Missouri River, and had been a frontier fort before the Mexican war. Indianola was then the leading port on the Texas coast. The army conducted a series of experiments from Indianola and from Fort Leavenworth to El Paso and the forts of New Mexico, by regular army wagon trains and by contract, and ascertained that the cost was about the same either way, and found that the cost of transporting army supplies between these points amounted to about \$22 per hundred pounds. A large part of this cost, where

done by contract, was incident to furnishing military escort and protection through the Indian infested country traversed, which was necessary.

Again, roads had to be found and made by the men of the army, for this army transport traffic, between posts, and for all other needed purposes. High army officials recommended that all of the cavalry be stationed in Texas and New Mexico, and repeatedly called attention to urgent need for more cavalry for the frontiers of Texas. Finally just before the war between the states another cavalry regiment was added by Congress and stationed in Texas, with Robert E. Lee as colonel; W. J. Hardee, lieutenant colonel, and Earl Van Dorn and George H. Thomas as majors.

But this moving back of the imaginary frontier line by the establishment of the outer line of forts mentioned did not take place until Captain R. B. Marcy had in 1849 made his path-finding expedition from Fort Smith, Arkansas, westward through what is now Oklahoma, and the Panhandle of Texas to Santa Fé, New Mexico, and, returning, had logged the Marcy trail from El Paso, Texas, to Preston, on Red River near the present city of Denison, along the general route later followed by the construction of the Texas & Pacific Railroad. Such a route and such a trail up to that time were thought to be impossible; and only through the aid of the noted Delaware Indian guide, Black Beaver, who knew the wild, uninhabited (except by roving bands of Indians) country traversed, were they made possible.

In his outward journey, in crossing the plains, Captain Marcy kept to the south of the Canadian River, and from his account evidently passed through Hemphill, Roberts, Hutchinson, Carson, Potter, and Oldham Counties. His description of his first view and impression of the plains becomes of interest in view of the subsequent development of that region. Under date of June 14, 1849, in his log book, Captain Marcy says: "Leaving camp early this morning, we travelled two miles on our course when we encountered a spur of the plain running too far east for us to pass around; and finding a very easy ascent to the summit, I took the road over the plain. When we were upon the high tableland, a view presented itself as boundless as the ocean. Not a tree, shrub

or any other object, either animate or inanimate, relieved the dreary monotony of the prospect—it was vast, illimitable expanse of desert prairie—the dreaded Llano Estacado, or, in other words, the great Sahara of North America. It is a region almost as vast and trackless as the ocean—a land where no man, either savage or civilized, permanently abides; it spreads forth into a treeless, desolate waste of uninhabited solitude, which always has been and must continue uninhabited forever; even the savages dare not venture to cross it except at two or three places where they know water can be found.”

Captain Marcy could not then foresee that in 1919 the counties which he was traversing would produce nearly 2,500,000 bushels of wheat, and in 1920 would contain nearly 30,000 people. On this first day on the plains, he “made a long drive of twenty-eight miles on a perfectly hard and smooth road, with no ill effects” to his animals.

When Captain Marcy had finished logging his trail from El Paso to Preston, on Red River, he gave unqualified endorsement to its practical utility, and expressed his belief that a large part of the country was capable of great agricultural development. He professed familiarity with the mountain routes to California, and claimed that his route was better in every respect than the mountain trails across the continent.

Straightway after the logging of this new trail emigrant travel to the Pacific coast set in over it, and Forts Belknap, Cooper, Phantom Hill, and Chadbourne were established on or near it for the protection from Indians of this travel and of the expanding waves of settlers from other portions of the state, in search of new homes.

In January and in September, 1850, the Legislature of Texas passed strong resolutions calling on the United States government to place adequate armed forces on the borders of Texas to protect the lives and property of its citizens from marauding Indians, asserting that the state had a right to expect this under the terms of annexation.

In 1851 several tribes of Indians, numbering in all something like 1,200, were settled in peaceful agricultural pursuits on the Brazos, in Young County. These included the Caddos, Keechies,

Wacos, and Delawares. In that year Colonel Cooper, later adjutant of the army, and Colonel Hardee made visits to these Indians and left descriptions of the trips and of the situation and conditions of the Indians.

In 1854, for the first time, Texas agreed through its Legislature to the settlement of her resident Indians on reservations, and in that year passed a law providing for the survey by the United States of twelve leagues of land, giving jurisdiction over the same to the general government, with authority to establish and maintain Indian agencies, military posts, etc. And thereupon Captain Marcy, who was probably one of the government's most dependable explorers and pathfinders, was sent to Texas to make selection of the sites for the reservations thus provided for. This was in the summer and fall of 1854. W. B. Parker was an attache of this expedition, going along for the purpose of collecting all manner of specimens to be found in the country traversed, and he wrote upon his return a detailed account of the trip and its experiences, giving much information about the country traveled over, and its condition, topography, etc.

At least sixteen of the present counties of Texas, mainly in Northwest Texas, were explored by Captain Marcy on this trip, including Cooke, Montague, Clay, Archer, Baylor, Knox, King, Dickens, Crosby, Haskell, Jones, Shackelford, Throckmorton, Stephens, Young and Jack.

The expedition was fitted out at Fort Smith, and the military escort was furnished from Fort Arbuckle. It crossed into Texas at Preston, and traveled westward. It passed through Gainesville, then on the extreme western skirts of the settlements in that part of Texas. Gainesville then contained, according to Parker, five or six log cabins, and had then just been rendered somewhat famous in the annals of storms by a most terrific tornado which had occurred a few months before. Parker gives many interesting details of the storm in and about Gainesville. He says that in an hour's time after leaving Gainesville, Captain Marcy and his expedition passed the last house on his route; and all west of him was then a trackless, uninhabited waste! And not another white person was seen while traversing all of the region covered by the counties named, until the party reached the

little frontier fort at Belknap, several months later. The party caught great messes of catfish out of an unnamed creek near the foot of the plains, and thereupon Captain Marcy named it Catfish creek. Other instances of the same character are mentioned.

But he was on the lookout for suitable locations for the Indian reservations he was sent out to find, and finding none to suit him better, he had surveys made in the vicinity of where the Indians were already settled on the Brazos, and on the Clear Fork of the Brazos for a branch of the Comanches.

The act of the Legislature providing for these reservations called for them to be located within twenty miles of the chain of forts maintained by the United States government. Captain Marcy, in conjunction with Major Neighbors, the Indian agent, had met and conferred with the Indians, and had secured their consent to occupy the reservations thus made for them.

But Captain Marcy, in reporting his previous pathfinding expedition, had given the route then laid out by him his unqualified endorsement as affording the very best route for the construction of a railroad to the Pacific coast, following which and its further survey westward the Gadsden Purchase had been made to secure from Mexico needed land over which to construct such a railroad; and, therefore, in 1854, when Captain Marcy was locating the Indian reservations, the construction of railroads through West and Northwest Texas was in the air, and the Legislature in providing for the Indian reservations retained a three hundred-foot right-of-way through them for the construction of a railroad, if so surveyed, charters for which had already been granted by Texas.

The Texas & Pacific Railway was subsequently built through that region, but some thirty miles to the south of the Indian reservations.

From 1849 onward interesting facts are laid up in the official reports of the government, bearing on Indian warfare in the portion of Texas in question; on explorations for finding roads for military and migration purposes, it being essential to locate along the road sites grass and water at convenient camping places, preferably twelve to twenty miles apart for the use of the numerous wagon trains passing through the country. Where surface

water could not be had wells, and in some instances, artesian wells were drilled, especially in the region of the Pecos. The haunts of the Indians had to be hunted out, and additional locations of army posts had to be made occasionally. The growing travel to the Pacific coast must be provided for and protected that the newly acquired coast possessions with their gold fields might be developed. And thus the stock of information about West and Northwest Texas was continually added to.

Naturally, without railroads, the question of transportation otherwise was a very live question to be met for its own purposes, at least by the general government during that period of time before the war between the states. In his report in December, 1853, Secretary of War Jefferson Davis showed that he had given study to the question, and then gave cogent reasons for the use of the camel for experimental purposes, "to test their value and adaption to our country and our service." He cited their satisfactory use by Napoleon in his Egyptian campaign, and in other countries where somewhat the same conditions existed; and his recommendations were adopted and the camels imported and used for several years, until the war broke out in 1861. In 1857 Secretary Floyd commended their use in Arizona, and in 1860 General Lee expressed his satisfaction with their use in the rocky and mountainous regions of the Pecos, he being in command in Texas.

In this year Secretary Floyd gave his hearty endorsement, as preferable to any other, to this southern route for the construction of the much needed railroad to the Pacific coast, surveys for which over various routes had been made.

The reconnaissance of the route through Northwest Texas afterwards followed in general by the Texas & Pacific Railway had been made, and interesting and detailed information of the results thereof from Fort Chadbourne to the west have been left in print.

The Indian reservations mentioned had been short lived, and the Indians had been removed to Indian Territory. United States Army records give interesting facts about the causes leading to that outcome which have been but meagerly used by writers on Texas history.

In the fall of 1858, the then next best thing to a railroad—the stage coach—had been in operation across West Texas from San Antonio to San Diego, California, through El Paso, a distance of 1,200 miles; and over the Marcy trail across West and Northwest Texas from St. Louis to San Francisco by way of El Paso, a distance of 2,700 miles. This was said to be 40 per cent longer than any other stage line in our history and also the longest in the world. This line was known as the Butterfield Southern Overland Mail. At Preston was the first division out of St. Louis; at Fort Chadbourne was the second; at El Paso the third, and thence to Tucson, Fort Yuma, and the sixth and last division at San Francisco. Its coaches started simultaneously from St. Louis and San Francisco on a twenty-five-day schedule, and beat the schedule by one day, and each was greeted by a mighty ovation. Its equipment consisted of more than one hundred Concord stage coaches, one thousand horses, five hundred mules, and seven hundred and fifty men, including one hundred and fifty drivers. It began as a semi-weekly but was soon promoted to six times a week, and from the first its operations had the effect of advertising and greatly aiding in the settlement of the country through which it passed, notably Fort Belknap and Young County, which it put on something of a boom.

It was promoted by John Butterfield and was successfully operated until the war between the states came on, when it was transferred to a shorter route, where it took its chances with the snows.

The same event that put a stop to the Butterfield stage line also put a stop to the growing possibilities of the early settlement and development of West and Northwest Texas for twenty years to come. When the war came on, owing to the exigencies of military necessity in the South, small attention could be paid to the Indian, and for years he roamed almost at will over Texas frontiers; and practically all intercourse with the Pacific coast stopped short.

Many men who made names for themselves on both sides of the controversy were in the United States Army in the portion of Texas in question, when the war came on, as colonels, lieutenant colonels, majors, captains and lieutenants. Among the number who afterwards wore the gray were Generals R. E. Lee, Fitzhugh

Lee, E. Kirby Smith, John B. Hood, Earl Van Dorne, and W. J. Hardee; while George H. Thomas, George Stoneman, W. M. Graham, S. D. Sturgis, S. P. Heintzleman, and William B. Hazen wore the blue, all of whom were on the frontiers of Texas at or just before the clash of arms came, all helping to make possible and desirable the settlement and development of West and North-west Texas to the full limit of their allotted duties.

During the period of the war there is little to be said with assurance with reference to border conditions.

When the soldiers came back to the Texas frontier, Phantom Hill and Camp Cooper were not reoccupied. Forts Belknap and Chadbourne were for a time reoccupied, but were abandoned, and Forts Richardson, Griffin and Concho were built and occupied in their places, during the brief time that General W. S. Hancock was in command in Texas. Other posts were occupied. As late as 1874 maps of Texas assigned large sections of the plains country to the Comanche Indians as hunting grounds under the treaty of 1865.

Until 1876 all of that vast region lying north of a line extended westward from the southeast corner of Nolan County, and west of a line extended northward from the same place, comprised successively parts of Bexar and Young land districts, and was in that year carved by the Legislature into fifty-four counties. There was also enough territory in Tom Green County at that time to make twelve additional counties, which was done from time to time afterwards.

When General E. O. C. Ord was in command of United States troops in Texas, in his report for 1877-1878 he summed up the situation as it then existed as follows: "The people of Northern and Western Texas were during the Civil War and for some years afterwards, raided upon and their settlements forced back from fifty to one hundred miles, and hundreds of people were killed by the Comanches, Apaches, and other Indians from the Wichita country, the staked plains and occasionally from Mexico; but during the years 1874 and 1875 active campaigns against these bands within our limits resulted in their capture or retreat to the mountains of Mexico, bordering on the Rio Grande . . . and it is from these mountains that they have kept up a regular system

of depredations upon stock raisers on the frontier counties of Texas, so that about in proportion as the demand for land increases for the use of the rapidly increasing flocks and herds, the dangers attending the stock farmer in those counties have grown and become known."

He says that "the murders and robberies committed by the Indians have so long furnished the staple news of Western Texas papers that people of the country have almost come to look upon this state of affairs as the normal condition of things as for a long period of time it has been in Sonora, Chihuahua and parts of Coahuila, and to regard it as part of the Texas ranchman's duty to put up with the regular full moon raid and its accompanying horrors." He then calls attention to the fact that according to Father Saddelmayer this character of warfare had been going on in parts of Mexico for nearly two hundred years.

General Ord further says in the same report: "The Texans during the war and reconstruction have submitted to the murdering of the frontier inhabitants and the plundering of the border settlements because they did not see any other way of relief; but now . . . they feel that something should be done to make life and property secure on the border."

About 19,000 miles were traveled that year according to General Ord, by the soldiers of the nation in scouts and expeditions after Indians in the portion of Texas under discussion; while in the following year 40,000 miles were covered in one hundred and twenty different expeditions from thirteen regular and thirteen sub-posts and scouting camps on the borders by two full regiments of cavalry, four regiments of infantry and two companies of artillery.

In the Pecos country where no railroad had then penetrated, the Indians were still troublesome. The mail routes and the settlements had to be protected by the soldiers; and the Indians had to be forced out of that region and kept cut by the soldiers. And General Ord says that: "the intended result has been practically accomplished. All Indians penetrating the country have been so hotly pressed by the troops as to prevent their doing much damage."

From the plains region occasional raids by Indians continued until about this time when General Mackenzie fought a last decisive engagement with a large band of them near what is now Claude in Armstrong County and demolished the Indian forces

and sent them scurrying back to their haunts never again to act as a hindering force against the settlement and development of Northwest Texas.

In 1874 under Governor Coke the Texas Ranger force was re-organized and about four hundred men placed in the field, and about this number of men were kept in service until the Indians were finally disposed of. They were unafraid and followed many an Indian trail, and had many a brush with Indians, and are entitled to great credit for the part they had in the pacification of West and Northwest Texas from the border ruffian, the outlaw, and the Indian. But history will not bear out the accuracy of the statement "that the Texas Rangers drove the Indians out of Texas," as recently claimed in a book by an ex-Texas Ranger.

Since 1880 there have been no Indians in Texas to fight, and therefore her people have been busy with the battles of peace.

In 1879 for the first time the Legislature felt called on to pass land laws affecting West and Northwest Texas, when the pioneering cattlemen began "trekking" in greater numbers to the frontiers with their herds. In 1882 the Texas & Pacific and the Southern Pacific railways completed their tracks at El Paso to a connection with the long delayed railroad line to the Pacific coast. Since that time about fifteen hundred miles of other lines of track have been built, making possible the addition to Texas of the Empire of West and Northwest Texas, dotted with dozens of cities ranging in population up to 80,000 souls, and peopled with probably the largest proportion of Anglo-Saxon strain to be found in our whole country.

Of the growth and development of the last forty years I have not planned to deal at this time. I have not sought to be exhaustive but rather suggestive only of a line of thought and investigation, and of sources of light thereon in the study of Texas history which appear to me have been too little used.

The battles of peace as fought by the people of the region in question in conquering the elements, and in their fight against lack of understanding of their difficulties and conditions—so different from many other localities—have been at times quite as strenuous as any Indian warfare ever staged. And if her people have measurably succeeded it may be because history has repeated itself, and that the instances in other sections of our common country

where God-fearing, sturdy men and women with the blood of pioneers in their veins have gone into the wilderness and made forest and plains to blossom as the rose, have been somewhat followed and duplicated on the plains, valleys and hills of West and Northwest Texas.

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I have not had access to the several volumes printed by Captain Marcy on his experiences in the army in his services in the Southwest though I feel sure they throw much light on my subject. And while I have a file of the Texas Almanac, I have not examined them especially in the preparation of this paper.

LIFE AND SERVICE OF JOHN BIRDSALL¹

ADELE B. LOOSCAN

Preliminary to a sketch of the services of Judge John Birdsall to the Republic of Texas, a glance at the condition of governmental affairs soon after the Battle of San Jacinto and during the first term of Houston's administration seems necessary.

The careful student of that period of history comprised under the "Provisional Government," is strongly impressed by the frequent changes in the members of President Burnet's cabinet. The time was turbulent in the extreme; the rapid execution of important measures became more and more urgent, as adverse circumstances encompassed this little band of civic patriots. Deaths by accident, withdrawals from service on account of chronic illness, depleted the cabinet as originally formed, while the imperative need of efficient Commissioners to the United States in behalf of recognition, and the establishment of diplomatic relations, further contributed to change the personnel of government officials. Demoralization, following closely in the train of victory, encouraged discontent, and this, united with treachery, threatened to destroy the sole nucleus of order and safety. That no constructive fabric of government could grow under these conditions is self-evident, and in this conclusion there is no disparagement intended of the

¹Circumstances having placed in my hands letters and documents inaccessible to students, induced me to collect from other sources all available material for illustrating the character and service of John Birdsall, Attorney General of the Republic of Texas.

I am indebted to Colonel Andrew J. Houston for documents and letters culled from his father's official correspondence; these while few in number, yet afford an insight into the important contributions made by this officer to the development and formation of the new government of Texas. Were no others obtainable, they alone would constitute a memorial, tardy and incomplete though it be, to a worthy man, whose service has hitherto been unappreciated, because unknown.

My thanks are due to Miss Elizabeth West, State Librarian, and her assistant, Miss Elliott, for lists of subjects handled by him while Attorney General and Acting Secretary of State; to James Sullivan, State Historian of New York, for confirmation of his official service in that State; and to E. W. Winkler, Reference Librarian of the University of Texas, for important items from books and documents. *The Morning Star*, newspaper, published at Houston in 1839, gave, on two successive days, editorials descriptive of his death and funeral, pathetic in detail, and accurate in

fine men of known ability, who, at a later date, confirmed the estimate originally placed upon their talents.

The "Constitutional Government," with Houston as President, gave promise of progress, but the efficiency of his cabinet was in its initial stage greatly impaired by the loss of Austin, Secretary of State, whose death occurred in the midst of the performance of his first official acts.

J. Pinckney Henderson, Houston's first choice as Attorney General, succeeded Austin as Secretary of State; his term of office in both positions was of brief duration, as he was soon sent abroad as Minister from the Republic of Texas to the courts of England and France. Then Robert A. Irion, the third Secretary of State, chosen within a few months, filled the office with promise of efficiency and permanency. Birdsall succeeded to the Attorney Generalship when Peter W. Grayson, after a brief tenure of office, resigned. From this time until the close of Houston's first administration these two officials worked harmoniously together. Records show that, at one time, probably on account of illness or absence of Irion, Birdsall performed the duties of his office, signing important documents as Acting Secretary of State.

John Birdsall was descended from a family of that name who emigrated from England in 1657, and acquired lands on Long Island from the Montauk Indians. His grandfather was Lieutenant Colonel Benjamin Birdsall of Dutchess County, New York Militia, whose services are listed in the records of the revolu-

statement, erring only as to the date of his arrival in Texas, which was about November 15, 1836, instead of the spring of 1837.

There seems to have been negligence in the preservation of original documents emanating from officials of the government of the Republic of Texas. The only opinions rendered by Attorney General Birdsall that I have been able to obtain are addressed to the President and Secretary of State, preserved in the office of the latter, and transferred from that office to the State Library. Besides these, this repository contains under the head of "Domestic Correspondence," a few documents and letters among Land Office Papers, one on "Colonization Affairs," and one in the "Texas-United States Diplomatic Service" to Alcée La Branche, *Chargé d'Affaires* of United States, bearing his signature as Acting Secretary of State.

Reports as Attorney General, made to the President on matters of judicial importance which have not been recorded elsewhere are embodied in this memoir. They illustrate well the painstaking character of the man and the fine legal judgment of the jurist. It is safe to assume that were there full records extant of his valuable services, they would prove that he contributed much to build up the judicial system of the Republic, whose policies were in large measure inherited by the State.

tionary forces. The family, at a later period, having removed from the Hudson River to Western New York, found homes in different parts of that region. John Birdsall's father, Maurice, located at Greene, Chenango County, whence John, while quite young, emigrated to Chautauqua County. His talent as a lawyer was fully recognized by Governor De Witt Clinton, who appointed him Court Judge of the 8th Judicial Circuit, when not quite 21 years of age.² In 1831 he became a member of the New York Assembly from Chautauqua County. He was a member of the New York Senate in the 55th (1832) 56th (1833) and 57th (1834) Legislatures. He resigned as Senator June 5, 1834, on account of ill health.

In the early autumn of 1836 he joined a party of relatives who were moving from New York to Texas, with Harrisburg as their objective point, that being the residence of Mrs. Jane Harris, a daughter of Lewis Birdsall, and widow of John Richardson Harris, the founder of the town.

The party consisted of Lewis Birdsall, his son, Dr. Maurice L. Birdsall, John Birdsall, a nephew, and Mary Jane Harris, a granddaughter. They arrived at Quintana from New Orleans on board the schooner *Julius Caesar* about the middle of November, and proceeded on board the *Yellowstone* to Brazoria, where they spent two weeks at the boarding house of Mrs. Jane Long. This delay was occasioned by the difficulty in getting transportation to Harrisburg. They here made the acquaintance of General Houston and other officials of the new government, then holding its first session of Congress a few miles distant, at Columbia. John Birdsall attended some of these sessions and he likewise met the prisoner, Santa Anna; he was deeply impressed by the dignified bearing of Houston, and especially with the wisdom and humanity of his policy toward the fallen foe.

²Mr. James Sullivan, State Historian of New York, wrote on February 4, 1922:

The statement, such as you give in your letter of January 27th, in regard to Judge Birdsall, is correct, and it has been verified by this office. In addition the Civil List shows as follows:

John Birdsall, of Mayville, N. Y., was a circuit judge in the 8th circuit, appointed April 18, 1826. Jenkins' "History of Political Parties in New York," page 320-21, shows that Birdsall, "a moderate Clintonian," was nominated by Governor Clinton as a compromise candidate for the judgeship, and confirmed.

Family letters reveal the impressions of the Birdsalls, newcomers into this land of promise; buoyant hopes battled with bitter disappointment, when, after long delays, they faced the desolation which the war had wrought at the home of their only relative in Texas. The town of Harrisburg, having been completely destroyed by the Mexicans, had not been rebuilt, while the new town of Houston, recently placed on the map, was to become at once the center of government, a town of daring enterprise and the only place for business. John Birdsall opened a law office here, and soon made the acquaintance of and formed a co-partnership with J. T. Gazley, which continued until he entered the public service.

The feeling conceived by Birdsall for Houston at their first meeting promoted a mutual attraction, which grew into friendship, strengthened with time, and knew no break or interruption. Houston perceived Birdsall's ability as a legal adviser, and Birdsall recognized his superior qualifications for leadership in the Republic, so hardly won from Mexico, and almost in the hour of victory distracted by dissensions and torn by jealousies. A letter from Birdsall to Houston, written in June, 1839, about a month before his death, and kept among Houston's papers, was presented to me by his son, Andrew Houston, and is made a part of this memoir. It shows that the intimacy of their friendship but served to increase that confidence and admiration conceived by the writer when they met at Columbia, and at the same time illustrates his own innate refinement and delicacy in the expression of these sentiments.

Houston, 10th June 1839.

My Dear Genl.

A few days since I wrote you at Nashville, and enclosed the copies you desired from the War Office to the care of Col Wm Chrystie, N. O.

Since then we have intelligence from Vera Cruz by the Brig Empresario which left the 2d instant and arrived at Galveston on the 6th that a levy and draft is making by the Gov't to fill up the army to 20,000 men for the reduction of Texas.

Col. Bee was rejected in his official capacity with marked contempt, and had sailed for Cuba, being unable to get a passage direct to New Orleans.

We have been so much used to rumours of war of late that our people have grown incredulous, and I fear, over confident.

The Govmt of Mexico now has Santa Anna, Bustamante and the clergy all acting in concert and auxiliary to its energies.

The National spirit is elated with the successful resistance of the French, and the triumph over the Federalists.

The position of Genl Santa Anna will induce him to encourage Bustamente in some expedition against Texas, as, if beaten, Santa Anna's power is strengthened and if successful he is revenged on his enemies. Genl Bustamente, by marching through Tamaulipas and Coahuila may suppress the renewal of the revolutionary spirit in those states, and then with troops self-styled victorious, pass the Rio Grande.

Under this state of things I submit to you whether you ought to go beyond Nashville.

The Country must be saved in despite of the petty prejudices and narrow conceits of little minds. I have seen but one man in Texas competent to manage its defence against a formidable invasion.

A single act of indiscretion might lose the Country. The Fabian policy and a wise discretion as to time and place for fighting if the invasion should be strong, can alone save us.

You know better than anyone else the difficulty with our people of conducting a campaign upon this plan.

Nothing but extraordinary powers of personal command in the Genl can achieve it.

If we are pressed, whatever may be the action or want of action on the part of the Govmt, the nation will require your presence, and with one accord.

When your country calls I know you will not refuse to come—but you must be near or some fatal error may occur before you arrive.

All our friends are well. Texas Money at 30 cts. Do write, and believe me sincerely your fr,

Jno Birdsall.

[Addressed:] Genl Sam Houston
Care of Col Wm Chrystie
Nashville, Tenn.

Please have this letter forwarded without delay.

[Endorsed:] John Birdsall

To Genl Houston, June 10th, 1839.

Immediately after the death of Chief Justice Collinsworth became known, namely, July 17, 1838, the Bar of Brazoria County sent to President Houston, then at Nacogdoches, a very strong endorsement of Birdsall as his successor.

We, the undersigned members of the Brazoria Bar, conceiving it of the last importance to the vital interest of the country that the office of Chief Justice of the Supreme Court should be filled by a gentleman of the highest character for legal attainments,

sterling integrity, unshrinking firmness, and of unimpeachable morals, respectfully beg leave to recommend to Your Excellency John Birdsall Esq.

This appointment would contribute in an eminent degree to the elevation of the bench, to its proper respectability, and the unbounded confidence to which he is entitled, would place the administration of the law upon a certain and sacred basis. Should Your Excellency conceive it necessary to appoint a successor to our lamented late Chief Justice, James Collingsworth, the undersigned cherish the sanguine hope that the merits of Mr. Birdsall are so well known that he will be powerfully recommended to your consideration.

Wm H. Jack.

T. A. Sawyer.

J. Irion.

E. M. Pease.

Pat C. Jack.

John W. Harris.

R. J. Townes.

On August 4 Houston appointed him to this office, on August 10 he accepted, was sworn in, and held the position until the next session of Congress. On November 16, 1838, Houston announced his appointment as Chief Justice. There were three other aspirants for this office in the general election of that year, and on December 12 the ballots showed that Thomas J. Rusk had been elected.

Since the Constitution of the Republic of Texas provided that the President should be ineligible for re-election, the end of his second year of service brought the administration of Houston to a close. Birdsall now resumed his private practice, which had been established on a firm basis, his means were ample, his office well furnished with law books and such conveniences as time and place afforded. Having determined, when coming to Texas to merge his fortunes with those of his adopted country, he invested ready money in lands, town and city lots, together with government securities. He had the respect of the whole community, the devoted friendship of the foremost man in Texas, his judicial and legal experience assured him a liberal share of business in the courts, and he and Houston soon entered into a law partnership which bade fair to be lucrative to them, as well as beneficial to the State.

Their partnership agreement is a model of brevity:

Republic of Texas
County of Harrisburg

Be it known that Sam Houston and John Birdsall have formed a copartnership in the profession and practice of Law in the Republic of Texas.

The copartnership to be equal, and to continue during the pleasure of the parties.

In witness whereof we have hereto set our hands and seals this 8th day of Jan'y 1839.

Sam Houston
John Birdsall

The close friendship between the partners, promised a long and happy continuance of their new relationship. As the summer advanced, Houston relieved from the duties of public office, and confident that his business interests would be safeguarded, and the trend of public affairs in Texas and Mexico carefully noted by his partner and friend, visited his old home in Tennessee, with the intention of continuing his journey farther to the eastern part of the United States.

Birdsall, pleased with the climate of Texas, and interested in the development of the country, looked forward confidently to the near future, when the chief gulf ports would be resorted to by ships of all nations. In this frame of mind he spent a few days with relatives living at and near Harrisburg, who shared his optimistic views. He was congratulated by them on his improved health, which he declared to be the best he had experienced for years, and returned home in fine spirits. Only a few days afterward he fell a victim to yellow fever, at that period the scourge of the gulf coast. The disease was not at first recognized by the physicians, nor its malignancy fully realized until it had become epidemic, and Birdsall was one of the first cases. He had every attention that friendly, devoted care could render, but all to no purpose. The record of his death and funeral in the leading newspaper of Houston is for the most part accurate, and its touching details prove that a true friend penned the lines. There is little lacking to complete the tale of mortality.

He was a member of the Protestant Episcopal Church, active in organizing this church at Houston. A marble tablet near the

chancel in Christ Church, corner of Texas Avenue and Fannin Street bears his name as one of the Vestry of 1838.

Ever mindful of the uncertainty of life, he had made and signed his will, which bequeathed his property under the trusteeship of Executors to his wife and only child in New York.

The Reverend Chapman of the Episcopal Church read the funeral service at the Capitol and at the grave. A band of music led the procession over the six long miles of winding road through an otherwise unbroken forest, which lay between Houston and Harrisburg, the solemn silence enhanced by the sighing of the wind among the pines, making a requiem of exquisitely sad cadence.

The remains were laid to rest in the graveyard dedicated to the Harrises and Birdsalls which overlooks Buffalo Bayou at a deep bend just below the town. This spot had been selected on account of its picturesque situation, and John Birdsall was the first to fill a grave there.

In recent years adjoining lots have become the property of the Glendale Cemetery Association, and its bounds now include this lot.

There were doubtless portraits of Birdsall in one or more homes in New York, but for us there remains only the contemplation of the form and features of his mind rather than his person—the record of his honorable character and upright conduct in the service of Texas. His untimely death was deeply deplored by relatives and friends, and his amiable qualities often discussed by them. The impression left upon my mind by their encomiums prompts the adoption of the words of a classic writer as admirably suited to convey a just conception of his worth:

“Posterity may wish to form an idea of his person. His figure was comely rather than majestic, in his countenance there was nothing to inspire awe; its character was gracious and engaging. You would readily have believed him a good man, and willingly a great one. And indeed although he was snatched away in the midst of a vigorous age, yet if his life be measured by its glory it was a period of the greatest extent. For after the full enjoyment of all that is truly good, which is found in virtuous pursuits alone, what more could fortune contribute to his elevation? Immoderate wealth did not fall to his share, yet he possessed a decent affluence.

His wife and son surviving, his dignity unimpaired, his reputation flourishing, and his kindred and friends in safety, it may even be thought an additional felicity that he was thus withdrawn. Whatever in him was the object of love, of admiration, remains, and will remain in the minds of men transmitted in the records of his time."

The Hon. John Birdsall died in this city on yesterday, July 22, of a fever. The deceased was born in New York: he was a member of the Senate of that State for several years, and filled other important and very responsible stations. Feeble health compelled him to seek a more genial clime, and in the spring of 1837, he removed to Texas. He came with a high reputation as a Jurist and Statesman, and his fame has been constantly augmenting. Under the late administration, he held the post of Attorney General, and subsequently was appointed Chief Justice of the Republic. Last winter he resumed the practice at the Bar.

It was impossible to be in the society of Judge Birdsall but for a few minutes, without perceiving that he was no ordinary man. His manners were unusually dignified, bland and uniform. Courteous and candid in his intercourse with all persons, his attachment to his intimate friends was marked for its unwavering firmness. The most distinguishing traits of his mind were perhaps the soundness of his judgment and the purity of his motives. At the Bar, and in political discussions, he was far above all sophistry and attempts at victory by dextrous rather than solid argument. Truth and justice were alone his aim; and in the support of his principles, he never descended to any personal attack on those who thought differently from himself.

Judge Birdsall was much younger than would be supposed by those who remember the great dignity of his manners: he was scarcely in the prime of his life, being about forty-two years of age.

He has gone down to the grave with a spotless name. "*Finis vitæ ejus nobis luctuosus, amicis tristis, extraenis etiam ignotisque non sine cura fuit.*"

The funeral of the Hon. John Birdsall was attended on yesterday by a large concourse of citizens, who had assembled to pay the last sad duties to one whom, those who knew him best, deplored the most. The body was taken to the Capitol, where the funeral service was performed, and an address, enumerating the many virtues of the deceased, and impressing upon the minds of the community the loss they had sustained, was delivered by Col. A. S. Thruston, which, though all that the most devoted friend could desire, still left the half untold. After the services, the hearse and the procession, escorted by the Milam Guards, proceeded on the way to Harrisburg, at which place, we believe, is

the family burying ground in this country. Truly has it been said that "Death loves a *shining* mark, a *signal* blow." Volumes, however, could not express the real worth of the deceased, or the regret which the community feels at his departure. "He lives in the hearts of his countrymen."³

Some of the more important official letters and opinion of Birdsall follow:

[December 2, 1837.]

To the Hon. Secy of State

Sir,—In reply to the legal quere of Mr. Reid propounded in his letter to you of Sep. 2nd counting [concerning?] the right of alien Representatives to inherit the estate of decedents in Texas, prior to our revolution, I can only offer the opinion I have already given to my own clients on the same point, which is that as to all estates derived under the Colonization Laws the kindred representatives of the deceased, though aliens may inherit.

The question is one of construction as yet, an open one in the country, and must therefore abide the contingency of judicial action.

Although Spain and probably Mexico seemed to have followed the general practice of modern nations of excluding aliens from the privilege of holding the land of the country, yet I think the special provisions of the Colonization Laws on this subject, taken in connexion with their peculiar policy which was to invite and favor foreign emigration and their necessary tendency to leave many estates without heirs in the country, and therefore lost to the family and friends of the emigrant, unless aliens can hold them will justify a construction enabling them to hold.

Mr. Reid does not state in his letter whether the legal representatives of the deceased and [are?] his children or more remote relations. If they are his children the laws of Nations gives them the benefit of their father's domicil for all the purposes of representing the sucession or inheritance. His Domicil is thus if he was a Citizen of Texas at his death they are Citizen heirs, and alien heirs though yet resident in a foreign Country. This is a general principal [sic] of international Law.

Very Respectfully yours etc.

Jno. Birdsall.⁴

³This notice of the funeral was copied by the *Telegraph and Texas Register*, July 24, 1839, verbatim, and in abbreviated form by the *Richmond Telescope and Register*, July 31, 1839.

⁴Record No. 49. Correspondence Secretary of State, Republic of Texas, 1836-1841, p. 108.

Houston, Dec. 14, 1837.

Hon. R. A. Irion Secretary of State,

Sir After an attentive examination of the case of the Brig Pocket, I am satisfied the payment alledged to have been made to the Master at New Orleans in behalf of this Government for the vessel and freight, is obligatory upon the owners and conclusion of their right. The Master is the accredited Agent of the Ship owner, the world over. His Agency terminated by no means with the Captain of the vessel. He still represents the Owners of Ship and Cargo and is bound to use every effort not inconsistent with good faith to protect and benefit their interests. He may arrange with the Captors and purchase the vessel in behalf of the owners before or after condemnation. If the capture is adjudged unlawful he is the person to receive her after judgment of restitution.

The Agency of the Master in this case was continued in behalf of the owners, independent of receiving payment for the vessel and freight by the most solemn act he is ever called on to perform in his official character, viz: his protest against the Capture. This document bears date after the sale of the Brig to Messrs Toby and Brothers, and after having received full payment for vessel and freight. The insurers in New York should have been apprized of this arrangement with the Master. Had the Protest been accompanied with this information the Insurance Company would have given a prompt and decided refusal to any application of the assured for either a total or partial loss. Whether Messrs Barclay and Livingston were possessed of this information does not appear—but as regards our responsibilities in the matter it is in my judgment quite immaterial whether they were or were not apprized of it. It would be most extraordinary if these parties arranging with the general Agent of the assured as the owners of the vessel were responsible for the faithful application of funds committed to his hands in the regular course of his agency, or for losses resulting from his bad faith or inattention. The demand in this case of the Insurance office does not appear to have been paid, by any document presented to us. I should infer from the deposition of the President of the Co. that, it was suspended for investigation. If the payment to the Master, made as it was in perfect good faith, and for the benefit of the concerned, is brought to the knowledge of the Co. I cannot doubt it will at once silence all claims on their part upon this Government.

Very Respectfully Yours &c.

J. BIRDSALL, Atty. General.⁵

⁵The above is an accurate copy of the opinion of Attorney General J. Birdsall on the Brig Pocket which is found in the *Records of the Depart-*

N. B. It will of course be necessary to procure the requisite proofs of payment having been made to Capt.

[November(?) 1838]*

To His Ex The President of the Republic of Texas.

Sir, I have looked into the treaty with the Cherokee Indians and their associate Bands together with the documents accompanying the same, and have endeavoured to bestow upon them the consideration and reflection which their importance demands.

As far as it was possible for the General Consultation to concede and establish the right of the tribes in question to the territory designated, the Indian title was guaranteed by that Body in their solemn Declaration and Pledge made on the 13th of Nov '35 and severally signed by all the members of that body. The language of that instrument partakes largely of the strong and deep feeling that marked the crisis at which it was put forth. It would be difficult to combine language in any form better calculated to produce with those to whom it was addressed, implicit and unqualified confidence as to its truth and sincerity.

A departure at this time from its stipulations and professions, without good cause, cannot fail to be regarded by the Indians and the world, as an act of the grossest perfidy and injustice.

If it were admitted that the Consultation transcended its legitimate powers in executing the Declaration and Pledge referred to, still as the Indians could not be presumed to know, and did not in fact know the limitations, if any, that were imposed upon the authority of that body, the principles of common justice and good faith would seem to require its fulfillment by the people of Texas.

A little attention, however, to the character of that Body and the subsequent course of the Government, will, I think, satisfy all, that its powers were fully equal to the authority it assumed. This Body consisting of about sixty members was a radical and primary representation of the people of all Texas in their political capacity.

They assembled independently of Coahuila and the political organization which had formerly existed, and by this act became virtually severed and separate from the Mexican empire. They were the only political authority known to the country for the time being, and were therefore necessarily charged with the duties and attributes of Government.

ment of State, Book 49, page 111, on file in the archives of the Texas State Library. For an account of this case see *THE QUARTERLY*, XII, 276-295.

*Copy of Opinion of John Birdsall *in re* Cherokee treaty, from papers in possession of Col. Andrew J. Houston, who says, "In a message to Congress the president quoted this opinion in full." See *House Journal*, Third Texas Congress, 1st Session, 87-93. Houston's message is dated November 19. For the history of this treaty see above, this issue of *THE QUARTERLY*, 16-18.

They were the Government *De facto*, they exercised the prerogatives of government, they suspended the land laws and closed the Courts of justice, they enacted laws and caused them to be executed, they levied troops, created civil and military officers, placed the country in a position of defense, and finally organized a provisional government.

If there was any one subject more immediately connected with their duties than another, or more clearly within the range of their powers, we should infer from the history of that period, it was that of our relations with the Indian Bands upon the Northern frontier. Aware of the importance of cultivating a friendly understanding with these Indians, the Mexican Government had in May '35 made provisions for selecting from their vacant lands in Texas such a district as should seem most appropriate for their location.

On the 13th of Nov. following, the Consultation appreciating the policy of such an arrangement, made their Declaration and Pledge.

If this was not within the scope of their powers, was the closing of the land offices and the suspension of the land system by them a lawful act. Or if unlawful, are all the titles and surveys made since the offices were ordered to be closed, legal and valid. A little reflection will show us that any attempt to restrain the powers of the Consultation within special limits, and sustain or validate their acts as they seem to fall within special limits, and sustain or invalidate their acts as they seem to fall within or beyond those limits, involves consequences to this country of the most serious character.

In December '35, the provisional Government established by the Consultation appointed Commissioners to treat with the Indians, in pursuance of the proffer in the Declaration and Pledge, they commissioned them, gave them written instructions and despatched them on their missions. Their labors resulted in the treaty of 23 Feb, 1836.

It will be observed that so far as concerns the claims of the Indians to the District of Country assigned them, as lying "north of the San Antonio Road and the Neches and west of Angelina and Sabine Rivers," their right is concluded and established by the Declaration and Pledge. To this extent it had become a vested right and the only office of the Commissioners upon this part of the treaty was, to ascertain and fix with more precision, if possible, the bounds and limits of the grant.

I have compared with some attention the provisions of the treaty with the instructions furnished the Commissioners, and am unable to discern any discrepancies unfavorable to the Government.

That it would be more convenient to have all the lands of the

Republic cleared of Indian claims, and subject to the disposition of our own citizens, is very plain—but that they also are of right entitled to a resting [place] and suitable provision in the country where their lot has been cast is equally plain, and, whatever may be the disparity between them and us in point of intelligence, power, and social condition, they have the same right as ourselves to the benefit of those great principles of natural justice and equity, which are immutable and universal.

I have been favored by Chief Justice Collingsworth with a perusal of the note of his opinion on this subject, and fully concur in all the views he presents.

With great respect Your Obdt Servt

Jno. Birdsall.

Atty. Genl.

To President Houston

Sir, In reply to your Excellency's note requiring my opinion whether a Judge of the District Court can compel the Commissioners of the County land boards, by mandamus, to issue certificates to persons whose claims have been rejected by the boards, and whether the proof by the applicant and witnesses to establish his claim before the boards can be taken upon interrogatories under the order of a Judge, and the Commissioners be required to act upon it, I have the honor to state, in answer to the first inquiry, that the boards of Commissioners in hearing and deciding upon a claim presented to them, act in a judicial and discretionary capacity—they are to hear and weigh the proofs offered, and if satisfactory to pass the claim, otherwise reject it.

It is a well established rule that whenever a discretion is allowed an officer or board of officers in acting upon any matter, their judgment or decision cannot be controlled by the writ of Mandamus.

Besides this in the case of the land Commissioners a specific remedy is given the party claiming to be aggrieved, by appeal to the District Court, under the 16th section of the law.

In answer to the 2nd Inquiry, my opinion is that the land law contemplates a personal appearance of the claimant and his witnesses before the board of Commissioners in all cases, and relies upon this as the most efficient and important safeguard against frauds and impositions. The phraseology of the law fully justifies this construction and its policy certainly would require it.

With great respect your obdt servt

Jno Birdsall.⁷

Houston 30th Apl 1838

⁷Some twenty-five additional Birdsall letters and documents are to be found in various collections in the State Library. The most important repositories are Letter Book No. 2, transferred from the State Department; the Lamar Papers; and Domestic Correspondence.

THE BRYAN-HAYES CORRESPONDENCE

EDITED BY E. W. WINKLER

IV

BRYAN TO HAYES

Bay Lake

Galveston Co. Oct 31, 70

Dear Hayes

I received your note enclosing the obituary notice of my old friend and college chum Tudor [Fay]. I loved him when we were boys, and he loved me. I have never forgotten this, or ceased to feel a sincere affection for him. When in Columbus in '56 I stayed with him and enjoyed him and his family very much. He was a noble fellow at College and I doubt not was as true and good as a man. I feel sad at his loss, for his death has brought up so many scenes of the past—loved and cherished. I feel *sorrow* because he was dear to me. I think now of him when we were Chums, when I held him on my hand in Owl Creek and taught him how to swim, how afterwards we bathed together in that river. All these things come up and make me like a boy again, and when others would obtrude I bid them down. I loved my old College and my associations there. There were some hearts that beat in unison with my own. "Tude's" was one of them. Dark shadows have fallen upon us since then but they have never, never obliterated the memory of the good and true. I have cultivated my feeling for you, and I should deplore as a calamity a change.

Give my regards to your wife and children.

Your friend

Guy

I wrote Mrs Fay in response to a note from her.

HAYES TO BRYAN

State of Ohio

Executive Department.

Columbus, 3d Aug. 1871

My Dear Guy:

I have your kind & hearty letter. I enjoyed your visit greatly.

Judge Matthews was here yesterday. He expressed a great desire to see you. Talked over College days, reminded me of your escape from the tartar emetic, and other scenes.

Lucy returned Monday. Little Fanny, the daughter, is in her usual fine condition. The boy, Scott Russell, is suffering from summer complaints, and we are quite anxious about him.

I enclose you letters just received.

Uncle is probably at home. I expect to hear of his arrival there today. Be sure to stop at Fremont. If you will dispatch him, he will send a carriage to meet you at the arrival of the train you name. Lucy will be glad enough to have you make us a good visit.

As ever

R B Hayes²⁸

BRYAN TO HAYES

Eaton Rapids, Michigan

August 16th 1871.

Dear Rud—

I am just in receipt of the package of letters sent to me by you. I thank you my dear friend for your attention to my requests. I am sorry that I have to enclose you one to yourself that came with mine. Until I leave this part of the U. S. I shall have to bother you with sending to me my letters.

I cannot say how long I shall remain here I am now inclined to give these waters full trial.

I received your friendly letter to me at St Catharines. I thank you for your hearty invitation to visit your Uncle, shall do so before I quit the lakes. Will write to him and know his

²⁸“Auld lang syne” was a favorite expression with Hayes. His visit to Texas stands out prominently.

State of Ohio
Executive Department.
Columbus, 28th July 1871.

My dear Judge:

Col Guy M Bryan of Texas is a gentleman of *responsibility & high character*. Uncle and I visited him in Texas. I will be particularly obliged for any courtesy you can extend to him.

Sincerely

R. B. Hayes

Hon. L. B. Otis
Chicago Ill

movements and will go there when I leave here finally if not before.

Present my kindest regards to your wife and children. I received two letters from my wife among those you sent to me (late as 9th inst.) she and my children very well. I left [W. P.] Ballinger and sister at St. Catharines. His health has much improved; got a letter from him today. They will leave on tomorrow down St. Lawrence, Montreal, Quebec, etc.

Yours

G. M. B.

BRYAN TO HAYES

Fremont, August 29, 1871.

Dear Rud:

I have spent three days—Saturday, Sunday and Monday—with your Uncle most delightfully to me, and I hope agreeably to him. After so long a separation we had much to talk about, and many questions to ask. We have passed our time constantly together, and in almost uninterrupted conversation. We have ridden and walked all over and around “Spiegel Grove.” I felt and agreed with him about the trees, *and the future of the Grove*. You will have here a delightful home, and to you a spot more sacred and dear than any other that you could select for your permanent home—the home of your children, where every tree and walk would remind you of your Father-Uncle, and the heart memory be perpetuated in your children.

I have met here your son Rud, your nephew Rud, and your nieces Fanny and Minnie. It has been to me a delightful association, and one not anticipated by me. I have enjoyed their society so much. Your son and I have got on a fine footing, and I feel that we both know and are interested in each other, and the same can be said of the other three; all of them are pleasant. I like Rud, and love the girls—they are sweet and attractive women, and I regret leaving them. Long will my visit to “Spiegel Grove” be remembered and cherished by me. I shall go to Toledo from here, and I expect I shall go from there to St. Paul via Chicago. I may go on to Duluth. I have not yet decided positively—a letter or dispatch from Ballinger will fix me. I want you my friend to retain my letters until you

hear from me again. I am sorry to trouble you so much on this little matter, but to *me* it is one of importance, as it is the way I hear from *wife* and *children*. (I got a letter here from them, all well.)

I read your speech at Zanesville, and I was satisfied with its temper and course of argument. I have run over Noyes,' Delano's and Sherman's. I object seriously to the spirit found in all of them,—*to keep alive the animosities of the war, in the hearts of their hearers*. Dear Rud, if you find it necessary in your future speeches to touch on kindred subjects, don't, *I beg of you*, speak in temper and language to keep alive the prejudices, and feelings engendered by the war and its results. I ask this as a friend. I ask, too, that you will except, *by name Texas*, from the denunciation passed upon the South by the others when they speak of the "Ku Klux," and I ask you, to request them to do so in the future, for such language injures my State and prevents persons from emigrating to it. I assure you on my word of honor, if such an organization exists in Texas, I do not know it, and if it did, I think I certainly would know it. Such expressions as—"There is safety among them for the life and property of *no man* who was loyal to the government during the rebellion," etc, etc *Noyes* "And the rebellion and treasonable intent of the followers of Jefferson Davis," etc. *Delano* "That you are filled with that jealousy which springs from a knowledge of your inferiority, threatens a future war, and says the rebel cause will still succeed," etc, etc, *Sherman*, with many others like them, fire the heart of bitterness, and keep alive feelings of hate, and the desire for acts, which the people of the South regard as *oppressive* and *undeserved*, and as evidencing continued hostility to them, in spite of every effort they make for reconcilliation and obedience to law, (no matter how objectionable the laws may be, with the hope that their submission will eventually be appreciated). People weary of continued self control, self abnegation and self sacrifice, if all their efforts are constantly turned back upon them as evidences of cunning, hypocrisy and deceit. You cannot know how much we have suffered and do suffer from injustice in every way. For instance I earnestly desire to sell all my property at one third its value to get out of the way of the

misrule and oppression that we are liable to—and this is the feeling of thousands, who would sell (if they could) all they have for one third its value to get away from negro rule. We feel my friend that since the Surrender the *Negro* has been the special object of the government's protection, and the *white man* the object of *oppression*. You will say that this is not so; for argument's sake we will grant that it is not; yet if the action of this government *produces this effect* in the minds of the *white* people, it certainly must be open to objection in some of its details, and should be at least modified, for public opinion does mean something, and sometimes is a true index. At least the Northern mind ought not for mere party purposes be kept constantly stirred up with distrust and hate, toward a vanquished and impoverished people, too weak to resist, or even [to] turn aside the shafts they shoot among them, wounding them *in every way*. I write this to you in frankness and friendship, with the hope it will induce you to think favorably of a once gallant and proud people *of your own blood*—now humbled into the dust, and ruled over by their former slaves.

Pardon this long letter, when I commenced I did not contemplate such an infliction. I hope that you will read and think of it in the spirit in which it has been written.

Write to me in reply when you get my telegram to forward my letters. I may drop in on you before I take my departure for the South, but cannot promise. Sincere affection to your wife and children.

Yours

Guy M. B.

BRYAN TO BIRCHARD

Oliver House

Toledo, O., August 31, 1871.

Dear Mr. Birchard:

No one that I had letters to were in the city, except Young, I hunted him up, and gave your letter to his son who made an appointment for him which he did not fill. Brown being absent, I struck out for myself. Introduced myself to Frank Hurd, who behaved very differently from Mr. Y . . . did all for me he could. I saw Mr. Pomeroy (land agent) who thinks he may do

something for me. I leave in the morning for Waukesha near Milwaukee via Chicago, and will return via Toledo. You shall hear from me again. My sincere regards to the ladies and the boys, and believe me as ever

Your friend sincerely

Guy M. Bryan

Sardis Birchard, Esq
Fremont, Ohio.

BRYAN TO BIRCHARD

Toledo, O., Sept. 18th 1871.

My dear Mr. Birchard

I arrived here on yesterday, and leave this afternoon for N. Y. I passed through Chicago, leaving the same day I arrived. I did not try to see your friend Otis, consequently did not use your letter or Hayes' to him.

I spent two weeks at Waukesha, Wis., at a spring there, hoping that my liver might be benefited. I am some better. I go to N. Y. and will remain there a week and then I shall beat slowly backward South. I have often thought of you affectionately since I shook hands with you. May your life be spared many winters, and may you and I spend together other days of genuine friendship as those I passed with you in your delightful home of Spiegel Grove. Long, long, will their fragrance perfume the recollections of my visit to Ohio. Present my respectful and kindly regards to Miss Grant, and tell her when I come back again, I promise not again to carry you out in the rain. May she long be spared to be your comfort.

Send me Hayes' speeches. I would like to read them. Regards to him.

Sincerely your friend

Guy M. Bryan.

P. S. I do not expect to effect anything here in regard to my lands and shall not buy more.

BRYAN TO HAYES

Galveston Dec 15th 1871.

Dear Rud—

Your reply to mine to meet me on my return from Waukesha via N. Y. did not reach me until a week after I had been in N. Y. otherwise we should have met at the house of your good Uncle. The day I left Toledo you left Columbus for Fremont. How I regretted I did not telegraph you on my arrival at Toledo. I got there Saturday night, staid over Sunday and left Monday afternoon. I wrote to your Uncle from Toledo. No visits I made during my absence were personally more satisfying than those I made to you and your Uncle. I shall look with deep interest and affectionate anxiety for reports from your uncle until the mild weather of next year sets in. I wanted him to promise me that if I came back by Fremont that he would come here with me, but he said no; *change now* could not benefit but would injure him. His genuine friendship and simple, direct affectionate hospitality brought back *the past*, and my heart gushed forth one continuous flow of affection for him. I felt and feel toward him the cherished feelings of youth. May he pass through this and many winters to come.

I occupy with my family two rooms in my residence in this place, boarding with the family to whom I rent the premises. My health is still not good and I fear that it will never again be strong. I obtained great relief in New York from electricity—more than from any other quarter or source. My rheumatism is not near so troublesome as it was last winter. I may again leave home next spring if I can raise the means; in what direction I shall wander I have not yet determined.

In regard to politics dear Rud let me feel that I may have some influence with you and through you with your *Party*. Republicanism *here* is not as it is with *you*. To *us* it is what Tammany is in N. Y. Now when *theft*, tyranny and vileness of every kind can be embraced without compunction and loss of self respect, then and only then, can you expect the Southern people to become Republicans, *on account of the pictures presented to them at home*. Had a good and virtuous picture been presented to us, with the black element, your party would have

been in the ascendancy from *right* and not *fraud*. As it is, the course pursued has been to destroy the party and demoralize the people—white as well as black. I say this, that it may have effect. Let me beg of you, now that you are retiring, strike one good blow for *right* and the *South*. *Make a record* that will *tell for you* in the future, with the country, as well as the people of the South. Clark has no more right to the seat in Congress than McCook has to that of Gov of Ohio, and yet you could, were you disposed by fraud &c to give a certificate to McCook. My (above) remarks however are not based upon this transaction only, but upon the *rule* of action adopted in this State and others by those who call themselves Republicans, and are permitted to affiliate with you and other gentlemen of your party, and rule and enslave the Southern people. With the government as administered in the South *despotism* is the favorite and cherished agent. Republicanism is but another name for *despotism*. I fear our people are becoming disgusted with the popular form of government, and the effect is to prepare them for any other form of government than the present one. I do not mean by this that they are rebellious, or have any such thoughts; no, they have been enslaved and impoverished until they are becoming indifferent, willing to take anything that will rid them of the present incumbrances. This is a sad picture, but it is a true one. Texas is better off than any of the [other] "Rebel States," and yet this picture is not overdrawn for Texas. Great God, why will your party not see and heed when the plain truths are before them. Do not think me prejudiced—no I am *conservative* and I wish good government, under the constitutions and laws of the Federal and State governments. I did not use the letters I got from you and your Uncle and made no sales of land. I am disgusted with the condition of things of the South and will sell out cheap if I could do so. My lands are among the best, but I am getting old and infirm, and I am tired of waiting for better times. If you know of capitalists who would invest, and have confidence in the future I will "sell out cheap." Give my love to your wife and children, your nieces whom I met at your Uncle's.

Sincerely yours Guy M. Bryan.

HAYES TO BRYAN

State of Ohio
Executive Department.
Columbus, 20th January 1872

My dear Guy:

We are deeply pained to hear of your overwhelming loss.²⁹ We sympathize with you—we sorrow with you—we feel it as an affliction in our own family. I came from Fremont yesterday, where I had spent a few days with Uncle on the occasion of his seventy first birthday. Our talk was more than usual of you and the comfort we had in your visit last summer. He will share your grief. But what is all this? May God bless you and give you the best consolation possible. I feel that to talk of such a loss is mockery.

We go back to Cincinnati next week—we go back gladly notwithstanding we have had a pleasant life here

As ever

R B Hayes

BIRCHARD TO BRYAN

Fremont January 22/72

Dear Bryan

I this evening recd a letter from Hayes telling me of the death of your wife. I cannot go to rest without telling you how much I mourn with you. While you were here you told me so much about her that I felt that she, like yourself, was one of my dear Friends and had anticipated with pleasure a long visit from you and her next summer but now my hope and prayer is that we may both meet her in a better world

Yours

S. Birchard

BRYAN TO BIRCHARD

Galveston, April 12th 1872.

My dear Mr. Birchard:

I do not know certainly that the letter I wrote to you was sent or not, for fear that it was not I write to you again.

My dear old friend, your prompt words of sorrow were fully appreciated, and opened up the flood gate of my heart. There

²⁹Mrs. Guy M. Bryan died January 1, 1872.

is a sincerity, kindness, and affectionate manner about you in our intercourse, that has *always* drawn me to you, and made me feel that we were of the same blood.

Not knowing my wife since her womanhood, you cannot know how great is my loss. In intellect, manners and heart, I have never known her superior in her sex. When I took her to Washington (when she was young) she soon made herself felt in any circle in which she moved. *Voluntarily* she retired from such a life, for it was at *her* instance I would not consent to run again.

I have never seen her in any position that she was not the mistress of it. She merited Irving's description of "the wife" *for she filled it*. But my dear friend, words are empty on such an occasion. She is gone, and I am so stricken, that but for my children I would not care to stay here.

My children are well cared for by their Grandmother and Aunt. You recollect them both, the latter married Ballinger of this place, with whom I now live, for I could not be separated from my dear ones.

Write to me, and believe me ever your friend

Guy M. Bryan.

BRYAN TO HAYES

Galveston, April 13th 1872.

My Dear friend Rud:

Your brotherly sympathy came to me in good time and deserved an earlier notice. I have been so bowed down, and stricken that I have not had heart for anything. When I tell you that I idolized my wife, and *sincerely* thought her one of the most gifted women of her day you can better appreciate what have been my feelings. Even now, I can scarcely realize that she will not come back.

I so deeply regret that you did not meet with her last summer. She is gone, and I am never to see her more. I cannot realize this. What is this life? What is the future? O Rud how I have thought and thought and to no end since my wife has left me. But for my children, I would not stay here if I could join her, so bright, so beautiful, so good and so gifted. I have never known one to improve so rapidly in all that elevates and adorns woman as she did. Could we have lived to-

gether a few years longer she would have had few equals—*this* is what *I think*, and so thinking, my sorrow is with me all the time. But as you say, words are empty on such an occasion.

Give my love to you and yours. I have broken up housekeeping, and I am living with Mr. and Mrs. Ballinger. My mother-in-law Mrs. Jack and Mrs. Ballinger have my children and I could not separate from them yet. My health is better but not restored. Write to me often and I promise to be a more punctual correspondent.

Your friend

Guy

BRYAN TO HAYES

Galveston Oct. 9th 1872.

Dear Rud:

It has been a very long time since I heard from you, and I fear that you have not received my last letter or I should certainly at least have had a word of remembrance. The last letter I had from you was the one written on receipt of the intelligence of the death of my wife. I shall never my dear friend recover from that irreparable loss, and I again thank you and your uncle for your affectionate sympathy.

My health is still feeble. I have a room at Ballinger's where my children are with their Grandmother and Aunt. I have four—my oldest boy in his 13th year, Willie; next a daughter (Laura) eight years; the next a daughter in her fifth, this one (Hally) is my pet; and my youngest nearly ten months old a fine boy named for myself, Guy M. Bryan.

My children are well cared for, in this I am fortunately situated. How is your Uncle? I hope his health is no worse. Give him my love, and tell him since my visit to him my affection for him is greater than when you and I were boys together and with him smoked his Havanas on the greensward at Platt's. May God preserve him for many years. What are you doing? I saw a paper a few days since that said you were a candidate for Congress in a new District, consequently I enclose this to your uncle knowing that you will get it. How is Al Buttles family? Poor Al, how much I once loved him at College, and how sincerely attached to him when I once more and for the

last time saw him in Columbus. In somewhat of a hurry I write this with the hope of soon hearing from you. Give my affectionate regards to your wife. I am as ever your sincere friend.

Guy M. Bryan.

BRYAN TO HAYES

Galveston, Dec. 29th, 1872.

Dear Rud:

Your letter from Fremont was received in due course of mail. I have been away a good deal of late and since my return have been sick or I should have written to you sooner.

I need not tell you I was glad to hear from you and happy to hear that your uncle was improved in health. I love your uncle, and I know he likes me; he is a noble hearted man. I enjoyed his society so much when with him at his own home.

I am glad to hear that you and your wife and children are all well and happy. I am sorry you were not returned to Congress, for I hoped that *you* would see our condition in the South and help us. You say that your C[andidate] was better than mine for the country. I hope he will prove it, and that the South will be regarded by him as *part of the country*. Mr. Greeley was taken by the South because he was the nominee of the Conservative or liberal Republicans; they would have supported any other *honest* Republican, yourself for instance, or Mr. Adams had he been nominated. First, because they wanted good government, and 2nd were willing to show the North that they were for reconciliation on *their terms*. I fear however that the South gets no credit for voting for the founder of the Republican party and the Anti-Slavery champion. The condition of the South is bad, and [in] many of the States is deplorable. You ask what can you do. Let Congress and the Executive treat us of the South in all respects as they treat *Northern States*, and quit upholding *thieves* and *tyrants*. I use this language not in passion, but because the words convey the right meaning.

You speak of traveling; when you do, if I have a home to welcome you to, know no one in the wide world would be more cheerfully and heartily received and welcomed within my doors

than you and your wife and your uncle. How much I lament our wives did not meet—mine was no ordinary woman, with a heart as large as any one ever had. I am still crushed, and but for my children I fear I would walk through life a gloomy man; as it is, I throw off what would abide with me and [be] before me all the time. God only knows how I loved and adored her.

I am living with my children at Ballinger's. My mother and sister-in-law treat my children like their own; they are blessed to have such to train them. I shall always be glad to hear from you and I hope our writing will be more frequent. I shall occasionally write to your uncle. How is George Jones and family? He has never written to me since the close of the war. I got a letter from Jake Camp. I answered it and sent him a Texas Almanac.

Love to your wife and children and Uncle.

Your friend as ever,

Guy M. Bryan.

BOOK REVIEWS AND NOTICES

The Spanish Borderlands: a Chronicle of Old Florida and the Southwest. By Herbert E. Bolton. Chronicles of America series, Vol. XXIII. New Haven: Yale University Press. 1921. Pp. xiv, 320.

This book is really a companion to two other well known volumes of the Chronicles of America series—Richman's *Spanish Conquerors* (volume 2) and Shepherd's *Hispanic Nations of the New World* (volume 50). The first tells the story of the original *conquistadores*—Columbus, Balboa, Cortés, and Pizarro; the latter surveys the early nineteenth century struggles for independence and the post-revolutionary movements in the various Hispanic American countries. Bolton's *Spanish Borderlands* tells "of Spanish pathfinders and pioneers in the regions between Florida and California, now belonging to the United States, over which Spain held sway for centuries. These were the northern outposts of New Spain, maintained chiefly to hold the country against foreign intruders and against the inroads of savage tribes. They were far from the centers of Spanish colonial civilization, in the West Indies, Central America, Mexico, and Peru."

With such a purpose fulfilled, this book is of dual interest and importance; it serves as a sort of connecting link—at least so far as the Spanish frontier in North America is concerned—between the achievements of Spain's first great conquerors as told by Richman, and the beginnings of Hispanic American national autonomy and development as related by Shepherd. In addition it sets forth in clear, scholarly, and well-told narrative that part of the history of the present United States that was contributed by Spain—a part overlooked and disregarded so long by historians of the United States, and a part which, due to the researches of Professor Bolton and associated scholars, is just now coming to be recognized as of comparative importance with those parts played by the French, the English, the Dutch, the Swedes, and the Russians.

In *The Colonization of North America, 1492-1783* (New York, 1921), Professors Bolton and Marshall have presented a text of European colonization in North America and have attempted to

give proportionate emphasis to each of the colonizing nations of Europe in North America. Commendable as are their efforts, that book in all its parts remains essentially a text, with point of view and compactness of detail rather than interestingly and fully recited narrative its chief contribution and characteristic. For this text *The Spanish Borderlands* will serve as a most admirable supplementary reference and in this sense will fill a greatly felt want. It will be for the text of Spanish achievements in the United States something of what Parkman's *La Salle* and his *Half Century of Conflict* are to the text of French achievements in the trans-Alleghany West and the Mississippi Valley.

The book is divided into two parts—"The Explorers" and "The Colonies." Under the first heading four chapters narrate the activities of the great Spanish explorers within the present limits of the United States. Chapter I treats of Ponce de León in Florida, of Ayllon in the present Carolinas, and of Narváez in Florida and his last voyage on the Mexican Gulf. Chapter II recites the experiences of Cabeza de Vaca in Texas and in the course of his transcontinental journey thence to the Gulf of California. Chapter III recounts the wanderings and vicissitudes of De Soto and his followers from Florida and the Carolinas westward to Oklahoma and Texas. Chapter IV tells anew the story of Coronado in the great Southwest and of Cabrillo and Vizcaino along the Pacific Coast in 1542 and 1602, respectively.

Under "The Colonies" a chapter is given to each of six subjects. Chapter V deals with Florida through its definite conquests by Menéndez de Avilés, 1565-1572, and with missionary activity there until 1615. Chapter VI treats of New Mexico from the conquest of Oñate in 1598 until the definite reduction of the Pueblos in 1700, with just a brief summary of the next century and a quarter of Spanish rule. Chapter VII summarizes the incomparable labors, chiefly those of Fathers Kino and Salvatierra, in Sinaloa, Pimeria Alta, and Lower California. Chapter VIII surveys the dramatic activities of the Spaniards in Texas following reports of La Salle's settlement on Lavaca Bay; the fortunes of the Spaniards in East Texas during the next few decades—the abandonment, reoccupation, withdrawal, and definite reoccupation under Aguayo, of East Texas; and the relations of the Spaniards and French along the Arroyo Hondo frontier until this was

obliterated as a result of the Seven Years War. Chapter IX narrates the initial nervous and half-hearted policy of Spain with respect to the occupation of Louisiana after 1763, followed by the more vigorous policy of "Bloody" O'Reilly and the conciliatory policies of Unzaga and Bernardo Gálvez; the readjustments in Western Louisiana and East Texas made necessary by the extension of the Spanish frontier to the Mississippi; and the Spanish achievements in exploration, development of the fur trade, and the control of the Indians, who, for so long, had been taught by the French to "hate" the Spaniards. Chapter X tells the romantic story of the labors of Father Serra in the founding of missions in California, and of the cooperation in this work of Father Garcés, the explorer, and of Juan Bautista de Anza, the leader of an intrepid band from Pimeria Alta to the founding of San Francisco. In this chapter, and the one on Texas, Professor Bolton excels with respect to well and interestingly told narrative.

A worth while critical bibliographical note and a comprehensive index conclude the volume.

Aside from its importance and value as a supplementary reference book and the high place which it fills in the general historiography of the northern frontier of New Spain, *The Spanish Borderlands* will live because it is readable. Nowhere is style secured at the expense of fact; instead facts are made the bases for a convincing and pleasing style.

CHARLES W. HACKETT.

COMMUNICATION

THE SAN JACINTO CAMPAIGN.—The article to which this communication refers was published in *THE QUARTERLY*, IV, 238-345:

April 22, 1922.

Colonel A. J. Houston, La Porte, Texas.

MY DEAR COLONEL HOUSTON: I am pleased to notify you that you were yesterday elected a vice president of the Texas State Historical Association. I trust that we shall have the pleasure of seeing you at many future meetings.

I hope that this is not an inopportune occasion to say that as I grow older, learn more of the early history of Texas, and reflect with greater appreciation of their difficulties upon the problems of the period I am profoundly convinced of the essential greatness and wisdom of your distinguished father. More mature judgment taught me a good many years ago that some of the documents which I incorporated in my article on the San Jacinto campaign are entitled to little or no real historical consideration and should not have been resurrected from the controversial dump heap. I make this confession to my classes every year, and I offer it now, in all sincerity, to you. As to the effect of the article on the fame of your father, my sober judgment is that we may set it down as exactly zero.

Very truly yours,

EUGENE C. BARKER.

NEWS ITEMS

Several of the theses presented by candidates for the Master of Arts degree at the June Commencement of the University of Texas will interest readers of THE QUARTERLY. Miss Abigail Curlee of Mannsville, Oklahoma, wrote a description of the operation of Peach Point plantation in Brazoria County, 1831-1863, using for her sources principally two plantation record books given to the University of Texas about a year ago by Mrs. James F. Perry of Freeport, Texas. Miss Johnnie Belle McDonald of Neches, Texas, wrote on the Soldiers of San Jacinto, a study designed to determine whether the soldiers were *bona fide* residents of Texas or adventurers who returned to the United States after the Texas revolution was over. The principle sources for the study are the manuscript records of the General Land Office. While information concerning some hundred and fifty of the soldiers could not be obtained, that obtainable for about seven hundred men indicates that they were settlers. Mrs. Willye Ward Watkins of Austin translated, with introduction and notes, Santa Anna's autobiography, the manuscript of which is in the Garcia Library of the University of Texas.

Two theses presented for the Master of Arts degree at the University of Texas in June illustrate the increasing value and importance of the Littlefield collection for Southern History. Mr. James K. Greer wrote "Louisiana and the South, 1848-1860," entirely from sources provided by the Littlefield Fund; and Mr. Rupert N. Richardson, writing in the department of government on "Constitutional Restrictions on the Legislature," used almost solely materials obtained by the same fund.

Sam H. Dixon has a series of papers in the *Houston Post* of May 14, 21 and 28, 1922. The first gives an account of General Sherman's visit to the Texan frontier in the spring of 1871, and of the reversal of the War Department's Indian policy; the second gives some account of R. M. Potter, author of "The Hymn of the Alamo"; in the last he recounts some personal reminiscences of Old Washington.

Dr. J. O. Dyer contributed to the *Galveston News* of May 7, 14 and 21, 1922, a series of papers dealing with the career of Jean

Lafitte during his occupancy of Galveston, 1818 to 1820. He has a paper in the *News* of May 28 on the superstitions and beliefs of the Comanches in Texas.

The *Galveston News* of March 8, 1922, contains a brief description of the Samuel M. Williams Papers, recently deposited in the Rosenberg Library.

Recent deaths of prominent people: Judge Felix J. McCord, at Longview, April 28, 1922; Henry J. Runge, at Galveston, May 5, 1922; Miss Sarah P. Campbell, a granddaughter of Samuel M. Williams, at Houston, June 3, 1922. Her mother, Caroline Williams, married Dr. B. Campbell of Galveston.

Mrs. J. W. McCarty, sister of W. S. Oldham whose death was noted in the October *QUARTERLY*, died at her home in Eagle Lake, June 10, 1922. Mrs. McCarty and Mr. Oldham were children of Williamson S. Oldham, senator from Texas in the Confederate Congress.

Recent deaths among the literary folk of Texas include James E. Sullivan, at Henrietta, Oklahoma, June 2, 1922; Mose C. Harris, at El Paso, June 2, 1922; and Frank S. Hastings, at Stamford, June 12, 1922; Leonidas B. Giles, at Laredo, June 12, 1922.

AFFAIRS OF THE ASSOCIATION

The Texas State Historical Association held its twenty-sixth annual meeting Friday, April 21, in the main building of the University of Texas. The program consisted of a paper by R. C. Crane of Sweetwater on certain aspects of the history of west and northwest Texas since 1845; a poem entitled, "San Jacinto," by Albert Edmond Trombly of the French department of the University of Texas; a paper on the services of the Texas Rangers in the Mexican War by W. P. Webb of the history department of the University; and a discussion led by Dr. Alex Dienst of Temple on various problems to be met in preparing and publishing a bibliography of Texas.

Some of the notable gifts received by the association during the year are a collection of documents by and concerning Samuel P. Carson, first Secretary of State of the Republic of Texas, and a photographic copy of a portrait of Carson presented by Samuel E. Asbury of the Agricultural and Mechanical College; three volumes of records of cattle marks and brands presented by the county commissioners of Bell County through Dr. Dienst; and a number of valuable manuscripts contributed by Mrs. W. P. Rote of San Antonio, granddaughter of that John W. Smith who served Travis as a courier from the Alamo, to whom these papers belonged.

Officers elected for the following year are Mrs. A. B. Looscan of Houston, president; Dr. Alex Dienst, R. C. Crane, T. F. Harwood of Gonzales, and Colonel Andrew J. Houston of La Porte, vice president; Professor Charles W. Ramsdell, corresponding secretary and treasurer; and E. W. Winkler of Austin and Harbert Davenport of Brownsville, members of the executive council. A committee was appointed to devise plans for extending the membership and enlarging the work of the association, and Dr. Dienst was made chairman of a committee to promote interest in a state museum. Fourteen members of the association were elected; and the treasurer made the following report:

TREASURER'S REPORT FOR THE YEAR ENDING FEBRUARY 28, 1922

Receipts

	1921-22	1920-21
Membership dues.....	\$1,099 44	\$1,167 95
Sales of the QUARTERLY.....	488 83	467 53
Sales of binding.....	6 15	11 25
Life memberships.....	110 00	180 00
Interest	363 56	344 14
Loans to the Association.....		200 00
Miscellaneous	5 40	21 55
Total receipts.....	\$2,073 38	\$2,392 42

Disbursements

Printing the QUARTERLY.....	\$1,519 51	\$ 917 84
Binding the QUARTERLY.....	68 00	96 25
Clerical help.....	325 00	250 75
Postage	62 85	66 60
Stationery	12 00	96 00
Payment of loan, with interest.....		204 31
Purchase of notes.....		1,500 00
Miscellaneous	18 21	30 65

Total disbursements.....	\$2,005 57	\$3,163 15
Excess of receipts over disbursements.....	\$	67 81
Balance in Austin National Bank, March 1, 1921.....		501 99

Balance in Austin National Bank, March 1, 1922..\$ 569 80

Delinquent membership dues amounted to approximately \$600.

The increased cost over the year before of printing the QUARTERLY was due in part to a considerable increase of printer's rates, in part to the fact that five numbers were paid for during the year instead of the normal four.

CHAS. W. RAMSDELL,
Treasurer.

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THE HISTORY OF A TEXAS SLAVE PLANTATION 1831-63*

ABIGAIL CURLEE

I

JAMES F. PERRY'S REMOVAL TO TEXAS FROM MISSOURI AND SETTLEMENT AT PEACH POINT, 1831

In May, 1824, Stephen Fuller Austin and James E. Brown Austin were making plans to move their mother, the widow of Moses Austin, and their widowed sister, Mrs. Emily Margaret B. Bryan, from Missouri to Texas. Stephen drew up minute and definite instructions for James E. B., who was to go to Missouri and conduct them to Texas. He wrote:

Be very particular to collect all the little property that Emily has and provide well for them on the journey, bring all their beds and bedding and pot kettle and crockery ware &c that are of light carriage, and bring all kinds of garden seeds and roots, particularly nectarenes Peach, Pairs Grapes &c &c—Currants—Gooseberry—Rose Roots. . . . I am most in favor of your coming by land—bring the family of negroes that Emily has at all hazards and I will settle with Bryan for them—if you can get Luck and Babtiste and Pool without paying too much money do so and not without

You must bring a good sett of blacksmith tools—Some homeade cloth for me for summer and winter clothing. I wish all the family to wear nothing else—

. . . have a good tent provided for the road and bring as

*Thesis presented to the Faculty of the Graduate School of the University of Texas for the degree of Master of Arts, June, 1922.

much furniture as you think a light wagon can haul from Natchitoches—¹

Although the plan of the Austin brothers did not materialize, this is the beginning of the Perry interest in Texas. For the next trace of Mrs. Bryan is a letter² from Solomon R. Bolin, telling of her marriage to James Franklin Perry at Hazel Run, September 23, 1824.³ Mrs. Moses Austin died before she could make her trip to Texas.

Stephen Austin still desired that his sister should make her home in Texas. This desire increased after he became accustomed to her marriage and saw the opportunity for wealth in Texas. He was unwilling for them to make the move, however, until Mr. Perry had inspected the country for himself. By 1827 he was advising a visit to Texas, saying, "I shall expect you in October next without fail."⁴ Perry did not make the tour of inspection, and Austin became more urgent as he saw the assured future for Texas. At the end of 1829 he wrote that he had petitioned "the Govt. of the State for eleven Leagues of land for you on Galveston Bay, within Six or seven Miles of Galveston harbor, if the half of that is granted it will be a fortune."

There is a fine opportunity here for a good Merchant, and a regular trading schooner to ship produce such as corn, lard, etc. to Tampico and Vera Cruz would make money rapidly— There is considerable cotton made and some sugar— Beef Tallow, pork, Lard, Mules, etc.

The 11 Leagues I have petitioned for will cost you about \$1000 including everything, and you will be allowed 4, 5, and 6 years to pay a part of that in and the balance can be settled by me easily. . . . Try and bring some of the breeds of English cattle, nature never made a better place for stock than the land I have asked for you—oysters and fish and fowls at your door etc the latitude is about 29°—10'—it is about 80 miles from this place [San Felipe de Austin]. . . . Bring all your capital.⁵

In this same letter Austin instructed Perry to indenture his

¹Memorandum for my brother, May 4, 1824. Austin Papers, Miscellaneous.

²Solomon R. Bolin to Stephen F. Austin, December 5, 1824. Austin Papers.

³Moses Austin's Record. Austin Papers.

⁴S. F. Austin to J. F. Perry, May 26, 1827. Austin Papers.

⁵S. F. Austin to J. F. and E. Perry, December 12, 1829. Austin Papers.

servants by hire or contract before a judge or clerk, and to bring furniture enough to be comfortable. He mentioned twice in this one letter that Perry was to bring seeds. He had asked, he said, that Perry might have two years within which to occupy the land. Apparently Austin had not yet convinced Perry of the future of Texas, for he continued to advise him to come. Later he wrote, "Bring bedding and furniture. . . . We are beginning to get *up* in this country and decent and fine cloths have taken the place of buckskin."⁶ Within a few days he wrote, "The fall is the best time to remove on a/c of health."⁷ On receipt of the grant which he had petitioned for, Austin wrote, as follows:

I now have the pleasure to inform you that I yesterday received the grant from the Governor. he has had the goodness to grant to James F. Perry and to his wife Emily Margarita Austin Eleven Leagues of land to be selected on any vacant lands in Austin's colony and he has issued all the necessary orders to the General land Commissioner to give a patent in due form as the colonization law requires. . . .

The grant is subject to the condition that you remove and settle here with your family within two years from the first day of last January.⁸

But before this letter of March 28 was written, James F. Perry was on his way to Texas. His note book kept on the tour of Texas indicates that he left Potosi, Missouri, Sunday, March 21, 1830, "for the purpose of viewing Austins Colony in Texas. arrived at Herculanium on the same evening there I had to remain the 22d and 23d waiting for a pasage to New Orleans. . . . March 31st Wednesday Land at New Orleans untill friday the 10th day of April, at 12 o'clock saild in the Schooner Pocahontas for the port of Brazoria in Texas—" Mr. Perry continues his day to day account with details of the trip, landing, tour of Texas to find Austin, and the hospitality extended him by the Texans. He thus described his impressions of the country:

The country from the mouth of Brasos for five or six miles is all a prararia near the sea shore sandy then low and marchey.

⁶S. F. Austin to J. F. and Emily Perry, January 3, 1830. Austin Papers.

⁷S. F. Austin to J. F. Perry, January 16, 1830. Austin Papers.

⁸S. F. Austin to J. F. and E. Perry, March 28, 1830. Austin Papers.

gradually rises a little untill the timber commences is generally a clay land. and looks poor much appearances of craw fish. although the land looks unproductive there is emence coats of fine Grass growing on it and affords emence pasturage for Stock of all kind. from where the Timber commences on the Brasos the Bottom[s] of the Brassos are heavily timbered as far up as I have yet been say for one to six and eight miles on each side of the river and in some places wider the timber consists of live oak Large quantities of it black oak Red Oak post oak white oak pecan ash mulberry Ellam cottonwood and sundry other not recollected the undergrowth is wild peach [and] sasafras.⁹

Austin wrote Mrs. Perry on May 15 that Mr. Perry liked the location.¹⁰ Perry evidently made arrangements with Austin to superintend the preparations of the new home. Austin was anxious and willing to prepare his sister's home, because of his desire to have her and her children near him. Austin wrote that they should get passports from James W. Breedlove, Vice-Consul for Mexico at New Orleans. In the same letter he reported the Steam Saw Mill in successful operation.¹¹ On July 4, 1830, Austin wrote, "I have engaged bricks and shingles etc to put a house in this place for you to winter in and will have it ready, and a store room—" ¹² But the building plans for the Perry home did not go smoothly. Austin wrote in September:

I have no house up nor under way— . . . The Steam Mill did not get under way as soon as was expected and has broken down several times and done but little— I am now contracting with a carpenter to put up a frame store in this place and will try to have it ready by the time Hunter arrives—¹³ . . . the place where I originally intended to settle all my family is at peach point below Brazoria, on the Sea Shore prairie at the edge of the timber 6 miles from sea beach—

I am expecting instructions as to the introduction of negroes, and as I have now no hope of seeing you this fall there will be time enough to send them to you before I leave here for Saltillo.¹⁴

⁹Perry's Note Book, March 21, 1830, to April 8, 1830. Austin Papers, Miscellaneous.

¹⁰S. F. Austin to Emily Perry, May 16, 1830. Austin Papers.

¹¹S. F. Austin to Jas. F. Perry, June 15, 1830. Austin Papers.

¹²Austin to Perry, July 4, 1830. Austin Papers.

¹³A reference to William W. Hunter, Perry's commercial partner.

¹⁴Austin to Perry, September 22, 1830. Austin Papers. Austin was a member of the State Congress, which met at Saltillo.

James Perry and William W. Hunter established a store at San Felipe de Austin before Mr. Perry moved his family to Texas. Austin wrote in December, 1830:

Your goods by the Nelson arrived safe John Austin came up yesterday and has stored them all up in good order— Nothing will be opened untill Hunter arrives—I shall have to use some of the nails to finish the store house— . . . The frame is up so that the building will be all ready by the time Hunter arrives he can get the goods up—¹⁵

Hunter reached San Felipe on January 12, 1831, and began the business. The next day after his arrival, Hunter wrote to a merchant in New Orleans:

This will inform you of my arrival in this place on yesterday The country I am as well pleased with as I Calculated on being I think the prospect pretty good for trade here there are but few goods at this time they appear to bring a tolerable profit. I have been somewhat disappointed in Consequence of my not being able to get a house. I will not be able to get to Making Sales So Soon on a/c of it, and Of course will not be able to do quite as well as if I could have opened immediately.¹⁶

According to Austin Records, James F. Perry and his family left Potosi, Missouri, on June 7, 1831, for Texas and arrived at San Felipe de Austin on August 14.¹⁷ The family consisted of Mrs. Perry, her six children—William Joel, Moses Austin, Guy M., and Mary Bryan, and Stephen and Eliza Perry—and Perry's niece Lavinia. Evidently they did not remain in San Felipe long, for a note in the *Texas Planter* of November 16, 1853, says that they moved in the winter of 1831 to Chocolate Bayou in Brazoria County, and in 1832 removed to Peach Point, ten miles below Brazoria.¹⁸ It was late in 1832 when Perry moved to Peach Point, for he said in September, "I am now living near the west end of Galveston Bay Near the head of the tide on a small stream called Chocolate about 8 miles from the bay. a verry pleasant situation and an excellent situation

¹⁵Austin to Perry, December 9, 1830. Austin Papers.

¹⁶Hunter to—[Merchant in New Orleans], January 13, 1831. Perry and Hunter's Letter Book. Austin Papers.

¹⁷Moses Austin's Record. Austin Papers, Miscellaneous.

¹⁸Clipping from *Texas Planter*, Brazoria, November 16, 1853. Austin Papers, Miscellaneous.

for Raising Stock." He was undecided at this time where to move, for he continued, "we are situated to[o] far from a neighbourhood and can therefore have no school since I bought Hunter out it will be necessary to move either to San Felipe where the goods now are or to Brazoria where we will have the advantages of a good school."¹⁹ Austin wrote later, "After much perplexity I have finally closed the division of the Peach point tract and taken the lower half you will therefore chuse your situation below the division line which Borden will run—I shall divide the point into two tracts and you will take the upper one adjoining the division line."²⁰ In his autobiography Guy M. Bryan briefly outlined the coming to Texas and final settlement at Peach Point:

In the Spring of 1831, I came with my step-father and Mother to Texas. We, our family and negroes, travelled by land, having two horse wagons and carriage. I riding a mule all the way from Missouri to San Felipe, Texas, reaching there on the 15th day of August; where Mother and children remained until the Spring of 1832 at which time we moved to our homestead prepared by Mr. Perry on Pleasant Bayou, a branch of Chocolate Bayou now in Brazoria County, where Mr. Perry established a ranch.

In December 1832, Mr. Perry moved to Peach Point, ten miles below Brazoria, West of the Brazos, where he established our permanent home.²¹

As Bryan stated, Peach Point continued to be the home of James F. Perry until his death of yellow fever at Biloxi, Mississippi, in 1853, when his son, Stephen S. Perry, inherited the plantation. It will be noted that Bryan's account varies from the Austin record in the date of arrival and also from the *Planter* in the date assigned for the move to Chocolate Bayou.

Perry's grant, as Austin wrote in 1829, was for eleven leagues; however, he received twelve. The title to the five leagues located on "Chocolate Bayou" was given August 25, 1831; as was that for the two leagues situated on the east side of Dickinson's Creek,

¹⁹Perry to McGready, September 12, 1832. Austin Papers.

²⁰Austin to Perry, November 4, 1832. Austin Papers.

²¹Autobiographical sketch of Guy M. Bryan (1896). Copy in Archives, University of Texas.

and the one league on "Clear Creek one league from the mouth."²² Under "Concessions and Augmentations," Perry was granted on October 28, 1831, one league situated "Between San Bernado and Bay Prairie and is N 25° The above league was first granted to Benj. Lindsey." On November 3, 1831 he was granted two leagues—"South of Yeagua and Joins N. Clay."²³ Perry was granted on December 6, 1832, one league, situated on "Yegua Davidson's Creek and is known as N 6."²⁴ Of this land granted to Perry, there were 45 labors of farming land and 255 labors of grazing land, making a total of 12 leagues.

II

GENERAL DESCRIPTION OF AGRICULTURE IN TEXAS, 1831-36

When Perry came to Texas, the country was sparsely settled from Bexar to the Sabine River. West of Bexar and extending to the Rio Grande, the country was unsettled.²⁵ He found the agricultural methods crude and good implements scarce. The people were, as a rule, living in log houses and cultivating the river bottom land. The bottom lands had to be cleared of timber or of cane. Mrs. Holley said that this cane land was prized, because it was rich alluvial soil. The cane-brakes could be cleared by burning the dead reeds. If the cane land was not cultivated, the cane was valuable as food for cattle and horses in winter, being young and tender when the grass was dead.²⁶ The prairie lands were generally considered more suitable for grazing than farming. As late as 1850, it was the belief that the timbered portions of Texas were best adapted to agriculture. The vast prairies were regarded as valueless except for grazing and stock raising. Also it was an axiom that farming could not succeed

²²List of Titles to settle 300 Families within the Ten Border Leagues on the Gulf of Mexico, Coast Contract No. 3, page 42 of Title Book. Austin Papers.

²³Title Book, Contract No. 2, p. 34. Austin Papers, Miscellaneous.

²⁴Title Book. Titles made under settling 500 families, 1827, 1828, 1831, 1832, 1833; p. 33. Austin Papers, Miscellaneous.

²⁵Colonel J. N. Almonte's "Statistical Notice" in Kennedy's *Texas: The Rise, Progress and Prospects of the Republic of Texas*, II, 72.

²⁶Holley, *Texas* (1836), 87.

west of the Brazos.²⁷ Abundant pasturage was afforded on the thin and sandy coast land for stock of all varieties.

In 1834 the country was divided into the three political departments of Bexar, Brazos, and Nacogdoches. The Bexar Department was largely peopled by Mexicans. Almonte says there were no negro laborers here. All the provisions raised by the inhabitants were consumed in the district. The wild horse when caught was cheap. Cattle were cheap, a cow and calf being considered equal to ten dollars. This was the condition all over the colony. Mrs. Harris said that there was little money in Texas. Her father received cattle and hogs in lieu of money for his practice as a physician, a cow and a calf passing as ten dollars.²⁸ In the Bexar region there were only five thousand or so head of sheep. They exported from eight to ten thousand skins of various kinds, and imported a few articles from New Orleans.

The Department of the Brazos was the section that Perry was interested in, for it was here that Austin's Colony was located. San Felipe, Columbia, Matagorda, Gonzales, and Mina were the five municipalities of this department and in addition there were considerable towns at Brazoria, Harrisburg, Velasco, and Bolivar. Almonte estimated the population of the department at eight thousand, of which he thought one thousand were slaves.

Almonte said that around 2000 bales of cotton had been exported from the Brazos in 1833,²⁹ while Austin, who left Texas for the City of Mexico in April of 1833, had estimated that the crop for that year would be 7500 bales.³⁰ But there had been a big overflow in 1833, which had cut down the crop. Almonte said that five thousand bales had been exported in 1832. The maize crop in 1833 was over fifty thousand barrels, but none was exported. The cattle of the department Almonte set down at about twenty-five thousand head. The market cattle were driven to Natchitoches for sale. The cotton of the Brazos was exported to New Orleans and returned from 10 to 10½ cents per pound

²⁷Wood, "Reminiscences of Texas and Texans Fifty Years Ago," in *The Quarterly of the Texas State Historical Association*, V, 115.

²⁸Reminiscences of Mrs. Dilue Harris" in *Quarterly of Texas State Historical Association*, IV, 123.

²⁹Almonte, "Statistical Observations," in Kennedy's *Texas*, II, 75.

³⁰Austin's "Statistics of Texas" (1833) in Johnson-Barker, *A History of Texas and Texans*, I, 174-176.

after paying $2\frac{1}{2}$ per cent duty in New Orleans. No sheep were raised here, but there were probably 50,000 hogs in the district.

Almonte calculated that the trade of the department had reached \$600,000 based on the production of 1832. The 5000 bales of cotton would bring in \$225,000, and 50,000 skins would be \$50,000, totaling \$275,000, while the sale of cattle and hogs would bring the total to this figure, \$600,000. This report estimated the imports at \$325,000.³¹ Austin's report gave this district a large number of gins and mills, setting down in the municipalities of Austin and Brazoria thirty cotton-gins, two steam sawmills and grist mills, six water-power mills and many run by oxen and horses. There was one water-power mill for sawing lumber and running machinery in Gonzales.³²

The Department of Nacogdoches contained four municipalities, Nacogdoches, San Augustine, Liberty, and Jonesboro, with a population of nine thousand, one thousand of this number being negroes. Besides the municipalities there were four other towns in this district: Anahuac, Bevil, Teran, and Teneha. This section was not as well developed as it should have been, Almonte thought. He somewhat unfairly attributed its backwardness to neglect and indifference of the empresarios. As a matter of fact, it was primarily due to restrictions of the Federal Government.

The trade of Nacogdoches was estimated by Almonte to be \$470,000. The exports were estimated at 2000 bales of cotton, 90,000 skins of deer, otter, and beaver, and 5000 head of cattle, equal in value to \$205,000. There was an excess of \$60,000 of imports over exports for the year, which fact Almonte accounted for by the stock in the stores of the dealers.

There were twice as many cattle in this department as in that of the Brazos, but the price of cattle per head was the same. There were sixty thousand head of swine, which would soon furnish an article of export.³³

Almonte and Austin are both indefinite as to the number of gins and mills in this section. Austin said, "The municipalities

³¹Almonte's "Statistical Notice," in Kennedy's *Texas*, II, 75-76. Juan N. Almonte was commissioned by the Mexican government in 1834 to inspect and report on Texas.

³²Austin, "*Statistics of Texas*," in Johnson-Barker, *Texas and Texans*, I, 174.

³³Almonte's Statistical Notice, in Kennedy's *Texas*, II, 77.

of Liberty and Nacogdoches are very well provided with mills and gins, and there is great progress in this industry in all parts of Texas."³⁴

As to transportation of their products, Austin mentioned a steam boat in the Bay of Galveston. He also indicated that a company had been formed to bring one to the Brazos river.³⁵ Apparently this plan was realized, for the next year Almonte reported a steam boat plying on the Brazos and two others expected for the Neches and Trinity rivers.³⁶ An item in the *Telegraph* in 1836 reported that another steam boat, the *Yellow Stone*, had arrived to run on the Brazos.³⁷ Plans for bettering the roads were going forward with rapidity, although the roads were described as fairly good as they were.

The statistics of both Almonte and Austin are open to question. Almonte's two months' tour was too brief for a comprehensive understanding of conditions, and Austin, although better informed than Almonte, may have exaggerated in the effort to make a strong case for Texas in its application for statehood.³⁸

The labor on Texas farms was done by the farmer and his slaves, if he owned any.³⁹ The Texans were slave holders, but not on an extensive scale. Large plantations with a hundred or more negroes did not gain the foothold in Texas that they had in the old south. One negro family was more often the rule than a crew of fifty slaves. The farmer ordinarily worked side by side with his slaves. Colonel Jared E. Groce had about a hundred negroes, the largest number owned by one man in Texas prior to the revolution.⁴⁰ It was estimated in 1836 that there were 5000 negroes in Texas, 30,000 Anglo-Americans, 3470 Mexicans, and 14,200 Indians.⁴¹ The estimate of 5000 negroes is a

³⁴Austin's "Statistics of Texas," in Johnson-Barker, *Texas and Texans*, I, 174.

³⁵*Ibid.*, I, 175.

³⁶Almonte's "Statistical Notice of Texas," in Kennedy's *Texas*, II, 78.

³⁷*Telegraph and Texas Register*, January 24, 1836.

³⁸E. C. Barker, in Johnson-Barker, *Texas and Texans*, I, 175.

³⁹Bugbee's "Slavery in Texas," in *Political Science Quarterly*, XIII, 662-63.

⁴⁰Register of Land Titles, General Land Office, Austin, Texas, Translation, I, 264, 265.

⁴¹Morfit to Forsyth, August 27, 1836, in Yoakum, *History of Texas*, II, 197.

rather large increase over the 2000 in Almonte's report, although there had been a rapid immigration in the latter part of 1834 and throughout 1835. Absentee ownership did not exist in Texas, nor was there much free labor. At this early date land was so cheap and so easily obtained that even the poor man had an opportunity to obtain a farm where he could make a living with a minimum amount of labor. It was the custom for neighbors to exchange labor. The work was often long and hard; and the returns, as now, were not always commensurate with the labor. Crude methods of cultivation, overflows, and drouths were the principal causes of poor yields.

All authorities agreed that cotton was the most extensively cultivated crop and the best adapted to the soil. The statistics of Almonte and Austin bear this out. Mrs. Holley's information seems to be inaccurate in her statement that Texas "has for some years, produced as much as 10,000 bales, with the prospect of 60,000 bales in 1836."⁴² When it is recalled that 1836 was the year of the "runaway scrape" and that the men were in the army, this seems exaggerated, but she may have written this earlier.⁴³

Cotton was planted late in February or early in March and it was ready for the first picking by the last of July or the middle of August, according to the season. Frequently they were picking as late as December.

Indian corn or maize was the staple food for man and beast. As late as 1856, Frederick Law Olmstead complained of the steady diet of corn-bread and bacon, which was set before him in his journey over Texas.⁴⁴ Two crops of corn were sometimes planted and harvested. The first one was planted about the middle of February, after there was little danger of a freeze, and harvested in the summer; the second crop was planted in June for fall harvesting. Mrs. Holley stated that seventy-five bushels to the acre had been gathered, but that this was not the rule, as the farmers did not put enough labor on the corn crop to produce that amount. Most of the crop was required for home consumption.⁴⁵ The *Texas Gazette* of May 22, 1830, republished a

⁴²Holley, *Texas* (1836), 61.

⁴³*Telegraph and Texas Register*, September 2, 1837.

⁴⁴Olmstead, *A Journey Through Texas* (1857), 15, 116.

⁴⁵Holley, *Texas* (1836), 62-63.

chapter of a book which stated that the "produce of last season consisted of 1000 bales of cotton, 150,000 bushels of corn, and 140 hogsheads of sugar. The cotton was mostly shipped to New Orleans, and the surplus corn and other products to Matamoros, Tampico, and Vera Cruz.⁴⁶ This article declared that wheat, rye, oats, and barley were grown to some extent in the undulating districts, where they yielded abundantly, but that the scarcity of mills and the low price discouraged their production. Austin, on the contrary, reported, "The sowing of wheat has not progressed so much, because the climate is not suitable for this grain in the settled region near the coast."⁴⁷

If the farmer had sufficient force and suitable land, he usually tried his hand at raising sugar cane and manufacturing sugar and molasses. According to Mrs. Holley, sugar cane was beginning to be cultivated extensively in 1836. She described Texas cane as superior to that of both Arkansas and Louisiana.⁴⁸ In 1849 the *State Gazette* reported the average yield on a Brazos plantation to be half a hogshead to the acre, estimating 1000 pounds to the hogshead. The system of cultivation was not so advanced as in Louisiana.⁴⁹

Tobacco and indigo were indigenous plants, but under Mexican law the tobacco trade was a state monopoly and production was restricted. Indigo was little cultivated. It was manufactured in families for domestic use, and was preferred to the imported indigo.⁵⁰

Sweet potatoes were extensively cultivated upon the drier prairies. Melons abounded everywhere. Beans, peas, Irish potatoes, and a variety of vegetables were grown in the gardens. The Texans usually had a fall and winter garden as well as a spring and summer one. In 1830 James Hope, "gardner and seedsman," was advertising his Connecticut garden seed and his fruit trees at San Felipe.⁵¹ Fruit trees produced abundant crops.

⁴⁶*Texas Gazette*, May 22, 1830, "From the American Quarterly Review, XIII, March, 1830—G. F. Hopkins and Son: 1829."

⁴⁷Austin's "Statistics of Texas," in Johnson-Barker, *Texas and Texans*, I, 175.

⁴⁸Holley, *Texas* (1836), 61-62.

⁴⁹*State Gazette*, September 8, 1849.

⁵⁰Holley, *Texas* (1836), 63-64.

⁵¹*Texas Gazette*, May 29, 1830.

Stock raising was commonly considered to bring the largest returns with the least expenditure of time and effort. Austin did not attempt to estimate the number of cattle in his report of 1833. An editorial in a contemporary newspaper summed up the whole matter in this comparison:

Corn, sweet potatoes, butter, honey, and every article of subsistence are in demand at this place and bring a good price. Corn is worth \$1.50 per bushel, and butter 25 cents per lb. The farmer or planter without the resources for acquiring a strong force (say 50 hands) to engage in sugar making may turn beneficially his attention to the planting of cotton with from 5 to 20 hands; and we know several who successfully undertake this branch of agriculture with no other aid than the white individuals of their own family; if, however, he prefer a more easy mode of living, he may raise horses, mules, horned cattle, or hogs.⁵²

Mrs. Holley at the same time discussed stock raising as follows,

The extensive natural pastures found in the prairies furnish peculiar facilities for rearing horses, black cattle, hogs, sheep and goats. They require no attention but to be branded and prevented from straying too far from home and becoming wild. Large quantities of mules are raised annually, many of which are carried to the United States; and it proves a very lucrative business, inasmuch as the labor and expense in rearing them are trifling and the price they command good. . . . In many parts of Texas, hogs may be raised in large numbers on the native mast. Acorns, pecans, hickory-nuts &c. with a variety of nutritious grasses and many kinds of roots, afford them ample sustenance during the year.⁵³

Beef, hides, milk, butter, pork, lard, poultry, and lumber were some of the products of Texas besides the products of the soil. An article in the *Telegraph* says in 1835 that many of the settlers counted their herds by the hundred. And that great numbers of cattle were annually purchased and driven to New Orleans by drovers who visited the country for that purpose.⁵⁴

On the whole the people seem to have lived on what they and their slaves produced. Land was so cheap and fertile that they made no effort to conserve the soil, but planted the same crops on the same land year after year.

⁵²*Telegraph and Texas Register*, Columbia, September 13, 1836.

⁵³Holley, *Texas* (1836), 66-67.

⁵⁴*Telegraph and Texas Register*, October 31, 1835.

III

LIFE ON THE PLANTATION⁵⁵

The Peach Point Plantation was opened in December, 1832, west of the Brazos river, ten miles below Brazoria. The conditions the first year were unhappy. Cholera and malaria scourged the settlements in 1833, and a letter from Perry to Austin describes their effects:

Our family has not been entirely clear of sickness since June and part of the time scarcely enough well of either servants or whites to wait on the sick and at the worst of our sickness there was not a Physician could be had or a neighbour to call to see us

With regard to our crops and improvements we have done very little since the middle of June as the Blacks were all sick as well as ourselves—we made a good crop of corn and pumpkins about 8 or 900 bushels of corn and plenty of pumpkins. We planted 13 acres of cotton the last week in June which bid fair to do pretty well but the early frost has injured it much as it had not commenced opening we do not expect much of a crop Cotton is now a fine price in N. O. from 16 to 18 cts. There is fine crops in this neighborhood and I am told all over the colony where the overflow did not injure it.⁵⁶

Since the Day Book did not begin until 1837, and the first crop recorded in the Record Book is that of 1838, there is an interval of four years to be bridged over. This gap can only be spanned by Perry's correspondence. His expectations of good crops for 1834 as forecast in a letter to Austin did not come true.⁵⁷ In January, 1835, he reported that the cotton crop had been very small. This was partly due to small acreage, incident to opening the plantation, and in part was due to ravages of cotton worms, which destroyed about one-third of the crop. Such cotton as he harvested Perry shipped to New Orleans and sold for sixteen cents a pound. To his factors he wrote, "The cotton crop in this country was very fine with the exception of some

⁵⁵Based upon Record Book from 1838 to 1851 and a Plantation Day Book, 1837-1863. These volumes were given to the University of Texas by Mrs. James F. Perry, Second, and her son and daughter-in-law, Mr. and Mrs. Stephen S. Perry of Freeport. They still own the Peach Point Plantation.

⁵⁶Perry to Austin, October 26, 1833. Austin Papers.

⁵⁷Perry to Austin, May 13, 1834.

5 or 6 plantations in my neighborhood which was destroyed by the worms."⁵⁸

It will be recalled that Perry had settled at Chocolate Bayou before moving to Peach Point. Evidently there was some question as to the advisability of closing out the establishment there, for Austin wrote Perry, "I am greatly in favor of keeping up the Chocolate bayou stock farm, and intend to spend some of my time there—the place is of no value except for stock, but is good for that purpose."⁵⁹ That he was guided by Austin's wishes and retained the Chocolate Bayou ranch is indicated by occasional entries in the Day Book.

A letter from Perry to Austin in May, 1835, indicates the progress made in the plantation. He wrote,

I have made arrangements to settle our Dickenson and clear Creek lands and within the summer have the others settle[d] we have about 65 or 70 acres in cotton this year but the season since the 1st Mar has been so dry that prospects for crops are bad so far.⁶⁰

In November of the same year Moses Austin Bryan, Perry's step-son, wrote, "am rejoiced to hear that you are all in good health and getting along so well in the way of picking out cotton etc."⁶¹

The next year the country was in turmoil and confusion incident to the revolution. Early in the year Perry was advised to take his family to a place of safety because of possible uprising of negroes and dangers from Indians.⁶² Three days after this letter was written, Perry wrote that he was at Lynch's Ferry and that he had not gotten the "waggon across the San Jacinto." At the time he was undecided whether to take his negroes any further or not.⁶³ This move was part of the so-called "Runaway Scrape." Perry decided to leave his family on San Jacinto Bay. Together with several of his negro men, he joined James Morgan

⁵⁸Perry to Messrs. Lastraps and Desmare, January 15, 1835. Austin Papers.

⁵⁹Austin to Perry, November 6, 1834. Austin Papers.

⁶⁰Perry to Austin, May 5, 1835. Austin Papers.

⁶¹Bryan to Perry, November 18, 1835. Austin Papers.

⁶²Henry Austin to Perry, April 5, 1836. Austin Papers.

⁶³Perry to Austin, April 8, 1836. Austin Papers.

on Galveston Bay, where he assisted in the building of fortifications to keep communications open to New Orleans.⁶⁴ As a consequence of this absence from home during the planting season, the crops for 1836 were short and hardly adequate for food and seed for the next year. Perry contracted with the Schooner *Colonel Fannin* to carry his crop of twenty-two bales to Messrs. John A. Merle & Co. of New Orleans. In the letter notifying this company of shipment he inquired whether he could obtain a loan of two or three thousand dollars for April or May, 1837, if the crop prospects were good at that time.⁶⁵ The twenty-two bales did not go by the *Colonel Fannin* as is seen from the following letter.

Enclosed you will also receive a Bill of Lading pr Schooner *Julias Ceiser* for twenty two Bales of Cotton, the whole amount of my crop, which I hope you will receive in good order and get a good price for it as I need all I can get and more too.⁶⁶

There is no record of the 1837 crop. Conditions could not have been prosperous, for Perry was borrowing money as is seen from the following letter from his factor.

Money is very scare here [New Orleans]. If we can possibly advance the \$500.—you speak of we will enclose it to Mrs. Perry.

New cotton begins to come in July and ranges from 10 to 12c in price we fear Cotton will not go above 10c this season.⁶⁷

Peach Point in its beginning was primarily a cotton plantation, with corn and other products to supply the plantation needs. It is not until the fifties that sugar cane becomes the leading crop. Beginning with 1838 there is a fairly comprehensive record of the cotton crop through 1849, giving the records of the pickers by name, the total weight of the crop, the number of bales, the price of the crop, a partial account of the outlay for the crop, and observations on the weather. While a few references were made to the planting of the corn, it was not until 1846 and 1847 that a full record was given of the yield. The

⁶⁴*Texas Planter*, November 16, 1853.

⁶⁵Perry to John A. Merle & Co., New Orleans, January 29, 1837. Austin Papers.

⁶⁶Perry to John A. Merle & Co., February 6, 1837. Austin Papers.

⁶⁷James Reed & Co. to Perry, October 5, 1837. Austin Papers.

records for this crop were never as complete as were those for cotton. The records for cane and its products began in 1848. The daily routine of the plantation is most fully illustrated in the farm journal for 1848 kept from day to day by Stephen S. Perry, the eldest son of James F. Perry.^{67a} This journal began on January 16. The last entry was for the twenty-fourth of November; but there are no entries for July and September, only two for August, and one entry for October. This journal recorded labor routine, delinquencies of the slaves, and weather conditions, presenting in brief a picture of labor conditions on the plantation.

When the journal began, the ginning of the 1847 crop was still going on; and, indeed, the last bale was not ginned until March 17, 1848, by which time some of the early cotton for 1848 was coming up, though part of the 1848 crop was not yet planted. The preparation of the ground began on February 8, with the pulling of the cotton stalks and on March 9 they were still breaking up cotton stalks. In the meantime the ploughs were throwing up cotton ridges so that the cotton planting started on March 1. The year before the planting had started eleven days later. The cotton planted early was coming up before all of the cotton land was prepared for the seed. By March 31 the first ploughing of the cotton had begun and was finished by April 12; on May 1 the second ploughing started, the hoes were going at the same time as the second ploughing. On the first of May the cotton in the prairie field was replanted because a third of it was missing. Mr. Perry noted by the middle of June that the crop was fine, being nearly as high as his head. All the middles had been ploughed out by June 20, and the hoeing was finished within a week, thus "laying by the cotton." The negroes were free for other crops and work until cotton picking began on July 31. The total crop of 154,188 pounds in the seed had been picked by October 11.

Besides attending to the cultivation of the other crops of corn, potatoes, and cane, the hands were occupied in splitting rails, getting board timber and basket timber, tearing down and rebuilding fences, making and cleaning out ditches, shelling corn,

^{67a}See Appendix II, below.

killing hogs, minding the birds from the corn, hauling wood, working on the roads, building Ben's chimney, killing a beef, and attending to brood sows and their litters. No work was done on Sunday.

Turning to the annual statistics, the 1838 cotton crop was gathered between the fourth of September and some time in December—"the date knot nown precisely"—by fifteen pickers, among whom were Ben, Peter, Bill, Doctor, Sam, Dick, John, Beck, Mary, Chaney, George, and Ned. The fifteenth hand picked one day. The gang picked 667 pounds a day near the beginning of the season and 3214 pounds as the season advanced. The 1838 crop for the entire plantation was 127 bales of which number Dick, Sam, and Bill owned one and one-half bales.

The next year there were twenty pickers with Betcey, Caroline, Margaret, Bob, Clenen, Allin, Frank, Tom, Sam, and Simon in the crew in addition to those of the previous year. The crop lacked 21 bales of being as large as that of 1838, being 106 bales. The average weight of the bales was 545 pounds, and netted 6½c per pound. This crop had been hauled to the river by the sixteenth of January.

The plantation was apparently divided into three fields for cotton. These are designated in the record for 1840 as "Prairie field," "Field by the Gin," and "Field by the House." The crop of 106 bales was gathered by twenty-five pickers. Bill and Peter were expert pickers, Bill picking 325 pounds on August 26 and Peter 334 pounds on the same day. The average of the other twenty-two pickers for this day was 196 pounds. The yield for this year was classified as 40 "first rate" bales, 59 "good" bales, and 4 "not so good." All of the crop was in by October 26. The shortness of the season may be explained by a note under date of September 1 that the worms had destroyed the cotton.

Each year the number of bales decreased, only 89 being ginned in 1841. In this year the pickers numbered 19; however, George picked only two days. Peter and Bill kept the lead, with Caroline and Bob close followers. Turner, Purnell, Simon, and Allin were the poorest pickers, gathering in one week 780, 575, 510, and 580 pounds respectively. This was the same week that Peter had 1470 pounds to his credit. This year's crop bore out Perry's

statement that "the prospects for crops are rather bad," and that the blacks had been sick.⁶⁸

The picking in 1842 must have been very scattering, because it took nineteen negroes from July 1 to October 20 to pick 50 bales. The largest amount gathered in one day by any picker was 293 pounds.

By May 26, the 1843 crop was blooming and on August 15 picking had begun. Peter picked a total of 8131 pounds for the season; Caroline 7632; Bill 6725; Bob 6992; Ben 5975; Betcey 6534; Beckey 5436; Chaney 5241; Dock 5443; George 5086; John 5764; Ned 5815; Turner 2783; Purnell 4569; Allin 3786; Mary 809; Westley 1899; Sam 456; Jim 3468; L. Ben 3398; thus making a grand total of 101,403 pounds of seed cotton. The 61 bales delivered at Aycock's warehouse weighed 29,328 pounds. A letter from Guy M. Bryan to his friend Rutherford B. Hayes explains the short crop of this and the previous years,

. . . we have had for the last two months the most unprecedented rains. The whole country has been under water. The Brazos River has again overflowed its banks. The crops which were most promising have been cut off one fourth. My father who had a most promising crop will not make more than 60 bales of cotton. Our lands which cost three thousand dollars annual tax, bring us in scarce a farthing. We are thus dependent upon our cotton crop for our active means, & that having failed for this year, I fear we will be unable to pay expenses. I however hope to obtain of a large cotton planter, who has made a tolerable crop, & owes us 15 or 16000\$ & is an *honest man* a sufficient sum to answer my purposes & enable me to go to the U S. . . . The crops of the country have nearly failed for three years in succession.⁶⁹

Despite worms in the gin house field by September 4, and their spread to the other cotton fields, the 1844 crop amounted to 118 bales, averaging 537 pounds each, or a total of 63,326 pounds of lint cotton. Of this crop 40 bales made up the better cotton, while there were three ordinary bales, and three stained ones. In addition to the workers of 1843, Silvy, Dave, Elish, Charlot, Big George, Jill, Lowey, and L. John picked part of the time, numbering 28 hands in all—Turner was not on the roll. Peter, Bill,

⁶⁸Perry to Somervell, June 18, 1841. Austin Papers.

⁶⁹Bryan to Hayes, December 21, 1843. THE QUARTERLY, XXV, 108.

Betsey, Caroline, and George were leading the field in the amount picked. This crop had to be replanted in May, while the first cotton planted was blooming on the twenty-second of May. The net proceeds were $4\frac{1}{2}$ cents a pound.

The banner year of the plantation was 1845 when the yield was 130 bales. The twenty-two hands gathered 77,233 pounds of seed cotton from the Prairie field, of which 53,699 pounds was classed as "fine" cotton; and 90,412 pounds in the Timber field. The hands were irregular in their picking—Allin, Bob, Betsey, and Caroline lost from the field 4 days each; Charlot and Mary, 2 days each; Purnell, 3 days; Bill and John Jack, 5 days; Ben, 39; Beckey and Westley, 14; Clenen, 34; Chaney, 11; John, 12; George and Silvey, 7 each; Lowey, 9; Ned, 33; and Robert, 33 days. Sam picked three days.

The cotton crop of 1846 was very short. There were 10 bales, two of which were Silk cotton. The lint total of these 10 bales amounted to 4660 pounds. How poor the picking was may be judged by the fact that those hands who could pick around 400 pounds per day picked from 51 to 116 pounds per day.

In 1847 the cotton planting started on March 11, and the hands went into the field on August 10 to begin gathering the white staple. On August 20 the cotton worm made its first appearance. Mary Ann, Simon, Neece, Jerry, a negro belonging to Mrs. Jack, Gustus, Morris, Lucy, Dick, yellow Simon, and Tom were new hands on the record book. By November 8, the twenty-seven hands had picked 193,000 pounds. By November 8, Hill, the overseer had baled 8 bales, and the last of the 105 was not ginned until March 17, 1848. The 105 bales came to 55,262 pounds.

The planting of the 1848 cotton was described above. Twenty-three hands, starting on August 1, had gathered the crop by October 20, although they did not finish baling until February 8, 1849. The 82 bales weighed 42,108 pounds. There were 3057 pounds of seed cotton classified as "fine."

The following year, 19 hands, Allin, Bill, Ben, Bob, Betsey, Becky, Clenen, Caroline, Chaney, George, John, Ned, Mary, Peter, Robert, Sam, Silvey, Westley, Simon began picking on August 9 and by October 8 were picking the last of the thin cotton, when none of the hands picked over 100 pounds per day. The 39 bales

of the 1849 crop, weighing 18,221 pounds, averaged 467 pounds each. There was no record of the 1850 crop in either of the books.

The first picking of the 1851 crop yielded 20 bales of good quality, weighing 10,339 pounds. The nine bales of the second picking came to 4457. The last picking brought the total to 38 bales. This is the last record of a cotton crop on the plantation in either the Record Book or the Day Book.

Corn was the staple food of the South; indeed, in one form or another it was the main dependence in Texas. The records show that very little flour was bought. As early as 1833, Perry wrote that they had raised "8 or 900 bushels of corn and plenty of pumpkins."¹⁰

The journal for Perry's plantation is most satisfactory for 1848, and that year is, therefore, taken to illustrate the routine of corn cultivation. Rotation of crops was practiced to some extent at Peach Point, unlike many of the plantations, as is evidenced by this entry of April 18, "Commenced ploughing corn hilling it up and ploughing out the middles. Corn looks well indeed wants rain very much. good stand in all of it except the cotton ground replant not all come up." The first step in the planting of the corn was the clearing of the ground. The corn planting began on February 17, and was finished on the morning of February 25. The corn came up slowly that year, necessitating the minding of the birds from February 26, when the corn began coming up, through March 10, at which time all the corn was not yet up. The ploughs started in the corn on March 23 and the hoes began the next day and continued for a week. Stephen Perry under March 24 made this note, "we did not harrow our corn this year, I do not think we did right we smothered down the ridges with the hoes." By April 7 both corn and cotton needed rain; the corn, however, as was natural, was suffering most. On April 18 they commenced ploughing the corn a second time, to hill it up, and plough out the middles. The stand of corn in 1848 was good except in the bottom field which had been replanted. Seven ploughs were running in the corn with the hoes on April 19. The third ploughing started on May 12 and was finished on the 18, but the hoeing continued. A corn crop furnished plenty of

¹⁰Perry to Austin, October 26, 1833. Austin Papers.

labor after it was laid by, for it had to be gathered and there was the shucking and shelling as occupations for rainy days. It was not unusual in Texas to plant two crops of corn a year, but there is nothing to indicate that this was done on the Perry plantation. They did plant potatoes in the corn.

As a rule, there was more corn raised on the plantation than was consumed there. In 1838 the Record Book showed that 15 bushels of corn and 11 bushels of corn in the shuck were sold; in 1839 a surplus of 31 bushels of corn, 54 bushels unshucked corn, and 23 bushels of corn meal were sold; in 1841, out of 73 loads, 10 bushels of corn, 9 of meal, and \$1.25 worth of "hom-money" were sold; in 1842, 1 bushel of seed corn and 30 bushels of meal; in 1843, 10 bushels of corn and 83 bushels of meal. In 1844, they sold 150 bushels of corn, contracting to grind 20 of it into meal, 57 barrels of unshucked corn, 5 bales of fodder, and 80 bushels of meal. The following year the plantation disposed of 228 bushels of corn, 20 bushels in the shuck and 30 bushels of meal. The crop of 1846 amounted to 3800 bushels and was gathered in September. Of this amount, 123 bushels and 116 sacks of corn, 11 barrels of corn in the shuck, and 17 bushels of meal were sold. In 1847 the crop, which was planted between March 2 and 6, yielded 92 loads, estimated at 2300 bushels. They record as sold, 24 bales of fodder, 110 bushels and 114 sacks of corn, 42 barrels of corn in the shuck, and 8 bushels of meal. Of the 1848 yield of 144 loads (about 3600 bushels), 60 bushels were sold. From the crop of 1850, the memorandum shows as sold 583 bales of fodder and 58 barrels of corn. From this time until 1863, there are no records of any sales except 176 bushels in 1858. In 1863, the overseer, Mr. Ayers, sold 1162 bushels of corn and 23,973 pounds of fodder to the government, and 25 bushels of meal to various civilians. The price varied from seventy-five cents to a dollar per bushel. Apparently the plantation never had to buy corn or meal, but always had sufficient to supply their needs. The custom was to charge toll in kind for grinding corn at the mill. All this corn may not have been raised on the Perry land. Part of it may have come from the mill, no doubt some of the meal did.

The crop which was apparently taking the place of cotton in the fifties was sugar cane. Phillips, quoting from P. A. Cham-

ponier's *Statement of the Sugar Crop*, says, "Outside of Louisiana the industry took no grip except on the Brazos River in Texas, where in 1858 thirty-seven plantations produced about six thousand hogsheads."⁷¹ The Day Book showed that Mr. Perry was buying over two barrels of sugar a year after 1843, and in 1847 he bought 1125 pounds. He sold Andrew Churchill a barrel (of 234 pounds) of sugar in 1847. This large purchase in 1847 may have been due to his buying in large quantities to get it cheaper for himself and neighbors. In 1846 he paid Major James P. Caldwell, from whom he usually bought his sugar supply, \$12 for a barrel of molasses. It is uncertain when Perry commenced raising cane. In the journal for 1848 under date of April 15, Stephen entered this statement, "Ploughing cane and hoing cotton. First time the cane has been ploughed this year." There is nothing to indicate that this was the first cane crop on the plantation. A heavy frost on the fourth of November, the day on which the cutting had begun, killed the cane. By November 10, the cane was cut. These are the only facts known about the crop except that there is no record of their having bought any sugar in that year or in 1849. In November, 1849, the purchase of 180 yards by 39 yards of sugar cane for seed was made from James P. Caldwell. This was 1 43/100 acres at \$40.00 and amounted to \$57.20. James Hext, overseer for Perry, and a man by the name of Dillon measured the cane.

The sugar mill was not installed on the plantation until 1850. In May of that year the sugar house was built, and Close & Adams installed the mill and engine in October. The sugar making began on December 12, 1850. A few days before this a severe freeze had spoiled "the most of the seed cane which was put up in malay" [matlay].⁷² The breaking of the jack chain delayed the sugar making for a day and a half. On January 1 the cane had been rolled, but it became too sour to work up. The 1850 crop produced 165 barrels of molasses, of which four barrels were re-

⁷¹Phillips, U. B., *American Negro Slavery*, 168.

⁷²Seed cane was stored in "matlay" for the winter. Phillips (*American Negro Slavery*, 244) describes the process as the laying of the stalks in their leaves with the tops turned to the south to keep out the north wind, with the leaves of each layer covering the butts of that below, and with dirt over the last butts in the mat. Perry bought by the yard as the cane lay on the ground.

served for home use, two for W. J. Bryan, and one for M. A. Bryan. In June, 45 barrels of sugar were shipped in the *General Hamer* to T. Crosby. William N. Payne charged \$354.80 for 100 molasses barrels of mixed sizes, 68 large size barrels, 2 meat barrels, 2 molasses barrels, 8 sugar buckets, and 52 hogsheads, while Horace Chadwick (apparently the same name sometimes spelled Shattuck), charged \$63 for 42 molasses barrels to pack sugar in. Out of the crop of 1851, 202 barrels of molasses and 60 hogsheads of sugar were shipped; 2 barrels of sugar being sent to Rosanah P. Brown, Delaware, Ohio. The expenses for the sugar crop of 1851 included: \$25 for work done on the furnace of the sugar house; \$192 to Jesse Munson for making 96 hogsheads of sugar; \$50 to W. N. Payne for making 50 "hogsheads"; and \$433.92 to Horace Chadwick for making 321 barrels and 5 hogsheads; besides the hire for extra slaves.

There were several interruptions and hindrances to the sugar making of 1852. At first the pump refused to work; then the furnace mouth gave way and there was a delay until a mason could come to rebuild it. On the 13th of November they were interrupted by the burning of the corn house and stables with over 3000 bushels of corn and most of the ploughs, harrows, and carts. They saved about 150 bushels of corn. The uncut cane was injured by hard frost and ice in the early part of January. They had begun cutting and hauling the cane on October 23, and on January 10 finished boiling the last of the crop. The extra expense for hired help, including \$93.33 to Cash for overseeing, was \$646.60. The warehouse bill from Crosby showed that 450 barrels of molasses and 71 hogsheads of sugar from this crop had been stored; there were then, on March 23, 75 barrels of molasses and one barrel of sugar. On August 15 there was an entry that 72 barrels had been shipped to W. Hendly & Co. of Galveston in two shipments. Shattuck's bill for making and repairing barrels for the 1852 and 1853 crops was \$651.23. Munson charged \$420 for boiling the sugar and serving as engineer for the 1852 crop. The records for 1852 are meager.

The 1854 sugar crop was finished by December 27, and a good crop was made. The net proceeds on 53 barrels after paying storage, expense to Galveston, and expenses after leaving Galveston, which included freight, wharfage, auction charges, cooper-

age, interest, commission, and guaranteeing, were \$5364.49. After deducting \$2579.63 for expenses, the net proceeds of the 1855 crop were \$6781.13. The 180 barrels and 140 hogsheads were marketed in Baltimore, Galveston, and New York. The price for sugar from 1851 on varied from five cents to six cents per pound. During the Civil War it was higher. In 1863, Mr. Ayers, in Stephen S. Perry's absence, sold \$415 worth of sugar at fifty cents a pound.

Potatoes, like corn, were a staple food on the plantation. In 1837 the current expenses were charged with \$5.50 for potatoes. This may have been for seed as this is the year they were so abundant. This is the last record of potatoes purchased until 1847, when 3 barrels were bought. On the contrary, several barrels were sold every season. In 1845 some 200 bushels of sweet potatoes and 18 bushels of Irish potatoes were sold. After 1853 there are no records of sales except five bushels in 1857.

Tobacco was a minor product of the plantation. In 1846 Perry sent R. and D. G. Mills, of Brazoria, 2526 pounds at six cents per pound with the understanding that they should give him half of the profits above that amount. This is the only record of transactions in tobacco.

The record contains various entries of miscellaneous products sold. These included eggs, sometimes by the keg, chickens, muscova ducks, turkeys, geese, butter, pecans, tallow, hominy, and hard soap. The sales were not in large quantities nor were they made regularly.

There is no record of how many hogs they had or how they raised them, except in the 1848 farm journal. Between January 27 and the first of February, 47 hogs were killed. This was probably only a small part of the number killed that winter, for Texas farmers believed that old saw that meat killed before Christmas kept better, and they would hardly have gone that late in the season without fresh meat. On January 31, the entry reads, "Tearing down and rebuilding fences. Hunting sows and pigs, put nine sows with about forty young pigs in the Prairy field." From 1839 to 1849 there was a gradual increase in the amounts of pork and lard sold, after which time the sales fell off abruptly. In 1848 they sold 12 hogs, 1744 pounds of bacon at eight cents, and 334 pounds of lard at nine cents per pound.

In 1843 and the two following years the sales of pickled pork averaged about 300 pounds at eight cents per pound.

The Chocolate Bayou stock farm was kept as Austin desired, but there were few entries made in regard to it save two pages under "Pleasant Bayou Ranch," giving the accounts from 1856 through 1859. There was exchange of labor to some extent between Peach Point and Pleasant Bayou, as is seen in the journal of Stephen Perry. This is shown in the entry of April 17, "Need left this morning for Chocolate Bayou (Sam coming in his place)"; on the 19th this additional statement was entered, "Robert left for Choctet on the 17 of April with Need carried two mules with him."

From the beginning, this place had been considered ranching land. In 1834 Austin instructed Perry to "collect all the stock you can in claims due me and put them on your farm at Chocolate Bayou, in your own brand."³ From Peach Point they shipped out on an average of 13 hides a year at 7 and 8 cents. In one year they received \$27 for 15 hides. Very few beeves were sold from the plantation. In 1839 they received \$240 for cows; in 1840, \$182; in 1845, \$100 and a note for three cows at \$10 each; in 1846, \$40. There were no records of the sale of hides from Chocolate. They bought corn in small quantities occasionally. In 1847 and again in 1848, about 2000 pounds of corn was shipped Aycock for the use of Judge Low in payment of loans of corn from him.

Edward Austin took charge of the Pleasant Bayou stock in 1846 at the salary of \$200 per annum with the provision that he make his wages out of the stock. N. S. (?) Davis had charge from 1856 until as late as February 1859. He sold 233 beeves and five stags for \$5532. The expense account totaled \$1307.98, including articles purchased for the ranch and \$200 for Davis's services. In 1842, Edmund Andrews was charged with \$300 worth of timber from Chocolate and Hopkins is charged with \$500 for "Timber taken away and destroyed on my land on Chocolate Bayou." It can not be determined from these inadequate accounts whether the ranch was a financial success or not.

In the sketch of Perry's life in the *Planter*, 1853, he is de-

³Austin to Perry, January 14, 1834. Austin Papers.

scribed as "One of the best planters and masters in the State."⁷⁴ When he came to Texas in 1831, Perry brought his slaves with him, but their number and qualities are unknown. There is no complete list of Perry's slaves. The daily record of the cotton picking which was kept by name is the nearest to a list of the slaves. There are no records of purchase or sale of negroes except in two cases. In 1832, Austin wrote Perry as follows:

I am sending you Simon & wish you to keep him close at work untill I return. He has been idle for so long that he will require a tight rein—he is in the habit of gambling—but he is a useful hand on a farm if he is kept close to his business.⁷⁵

This would seem to indicate that Austin already had a negro by the name of Simon, while in 1836 he wrote to his brother-in-law:

McKinstre has a very likely negro 27 years of age, healthy and a good field hand—he has ran away owing to a terrible whipping Mc. gave him the other day, but I believe has no very bad habits—he asks twelve hundred dollars cash—I have an idea of buying him—what do you think of the price—if I take him will send him to you untill I need him.⁷⁶

Whether Perry advised it or not, Austin did pay \$1200 for another slave by the name of Simon, who is described as of a "dark complexion, aged about 27 years and in good health."⁷⁷ This Simon is probably the one by that name on the records. In April, 1842, William Joel Bryan is debited on the Record Book with \$1000 paid to Hopkins for "negress Ann and child" and with \$3000 paid to Dr. Smith for "negress Tamar, negroes Donor & George." On the same day, Joel is again debited with \$1000 to Emily M. Perry for boy Frank. A note to the side of the page reads: "Entered in Mrs. E. M. Perry's Book." In 1834 John R. Jones, who was selling out to go into the mercantile business, offered Perry his Missouri negroes in payment of a debt. In 1841 and again in 1848, Hamilton White offered to settle a

⁷⁴Clipping from the *Texas Planter*, 1853. Austin Papers.

⁷⁵Austin to Perry, March 3, 1832. Austin Papers.

⁷⁶Austin to Perry, November 11, 1836. Austin Papers.

⁷⁷Receipt from George B. McKinstry to Austin, Columbia, November 25, 1836. Austin Papers.

debt for land with negroes.⁷⁸ Before this in 1837, George Hammeken had written Perry from New Orleans of an opportunity to buy one Gouverneur's slaves.⁷⁹ Whether or not Perry closed with any of these proposals is not apparent. The list of field hands in the record is supposedly complete, but there is nothing to indicate the number of domestic slaves.

There is scarcely anything in the records to indicate how the negroes lived. No punishments for the negroes are recorded. They seem to have been on the whole fairly healthy. The record for 1841 is probably a representative year. In this year, Ben was out of the field on account of a snake bite. George was sick all of the cotton picking season of 1841. John and Becky were out a few days. Mary was away from the field 26 days, 17 of these following the birth of a son on October 11. This is the only record of the birth of a child to any of the slaves on the plantation; in fact, there are no records of there being any children unless this is implied in the labor of driving the birds away from the young corn. This sort of work would probably be done by children or infirm negroes. In 1848 Allin was sick practically all the Spring; Westley, for part of May; and Mary, during the fall. Stephen Perry, in his synopsis of the months of January, February and March, said, "The atmosphere has become so impure, which has produced sickness among the negroes, they complain principally of pains in the breast and sides, sores, and rumatisms &c &c." As far as the farm journal carried the record in 1848, the negroes lost from the field 115 days from sickness. The only record of any of Perry's slaves running off was in an entry of May 30, 1848. Tom ran away and was gone until June 7. No reason was assigned for his running away. Nothing is shown as to the negroes' social life. There is an entry in November, 1839, that they had a half day's picking and that Sam was married that day.

Perry hired out his own slaves, and in turn, employed the slaves of others as need arose. He frequently had to hire additional labor in the sugar making of the fifties. Such emergencies were met by mutual accommodation of neighbors, and not by

⁷⁸White to Perry, September 16, 1841, and January 20, 1848. Austin Papers.

⁷⁹Hammeken to Perry, July 26, 1837. Austin Papers.

hiring from a slave gang. In 1834 Edmund Andrews wrote asking, "have you none among those of Westall's [slaves] that you will hire me for a cook."⁸⁰ John P. Borden in 1837 wrote to hire either Clara or Milly as a cook.⁸¹ In 1844 W. J. Bryan hired Frank, George, Clenen, Bob, Mary, and Silvy to assist with his cotton. The next year he hired Sam, Allin, Purnell, Westley, Ben, John, Ned, and Bill a total of sixty-two days to gin and bale his cotton. In June, 1855, Perry let Mr. Shattuck have a negro woman at \$15 per month. The records indicate that Perry hired outside help more often than he let his slaves out. In 1843 he hired Ben and Jim at \$10 per month from Dr. Leonard. From 1844 to 1850 he hired Jerry, Tom and George from Mrs. Laura H. Jack. Beginning with 1850 his expense account for hired slave labor was high during the season of sugar making, which required a large force to work day and night. He paid from \$20 a month to \$1.00 per day in the sugar season when the work was hard. He had hired nine slaves in 1851 from Mrs. Bell, of Bernardo, and from Edmund Arrington. This number was increased to eleven in 1852.

If the slaves worked on Sunday, which they frequently had to do in sugar making, they received the \$1.00 themselves. The expense account for the sugar crop of 1852 included \$45 "for home hands." This may have been for their Sunday labor. In 1853 at least fifteen negroes were hired from Major Caldwell, Major Lewis, W. & J. Hopkins, Derant, and Guy M. Bryan; and ten for 1853. Perry had considerable trouble on account of hired negroes running away for a few days at a time—probably to see their families. Guy's negroes, Henry, Sam, Simon, Bill, Nathan, and little John, ran away at various times during 1852 for a day or so at a time. Perry boarded the hired negroes but he evidently charged their clothing to their masters. In 1853 he charged Major Lewis with six pairs of shoes and one blanket. In 1854 Estes was charged with one pair of shoes, which was deducted from Estes' bill of \$60. In 1855 Captain Black was charged with \$15 for ten pairs of shoes for his negroes. In 1853

⁸⁰Andrews to Perry, October 26, 1834. Austin Papers.

⁸¹Borden to Austin, August 13, 1837. Austin Papers.

Perry paid for negro hire \$638.80. Of this amount, \$28.50 was for Sunday work and \$45 for the home hands. The one item of Lewis's hire for 1854 was \$800.

There was some work which the slaves and overseers could not do, so white labor was called in. Most of the work done by white labor was shopwork, stocking ploughs, carpentering, installing the sugar mill, making barrels, papering the pantry, and engineering work on the sugar house and furnace. This would point to the inference that the negroes on the plantation were field hands unskilled in any trade. Apparently they worked in gangs, for Bill had charge of a gang in 1848.

Over the negroes there passed a constant stream of overseers, beginning with William Joel Bryan, who was credited with \$800 for service in "1837 & 1836" and 1838 & 1839. The salaries for the overseers varied from \$20 a month to \$650 a year. It is uncertain how long Joseph M. Trimble served in 1838 after he was employed on January 2. There were three overseers in 1839: one Ramsey, K. K. Koontz, and David H. Love. Ramsey and Love were both discharged. M. M. Aycock served throughout the year of 1840. In 1841 J. J. Harwell was employed for overseer, but it was not indicated how long he remained in Perry's employment. Denman contracted to serve from December 18, 1841, to January, 1843. He became ill and left after a week's service. Denman had a horse and the agreement was that if the horse were kept on the plantation it was to be used for its keep. On January 6, 1842, John Kellen began to serve as overseer. The two following overseers served for two years each: John Hancock for 1843 and 1844, and Chapman White, whose family lived in Mississippi, for 1845 and 1846. William L. Hill agreed on March 22 to serve as overseer for \$25 per month, provided Perry was satisfied. He and Perry made a settlement on November 27 of that year. Joseph Hext, who was overseer throughout 1849 and 1850, came for \$20 a month with a contract to receive \$25 if 110 bales were made and sold at seven cents. They made 39 bales of cotton in 1849. Jesse Munson, who was skilled in sugar making, and who had made up the 1851 sugar crop, was overseer from January 1 to October 19 when he began to make up the sugar crop of 1852. H. J. B. Cash took Munson's place

as overseer on October 19, 1852, and with the exception of short intervals he continued in Perry's employ until January 1, 1855. A man who is called at various times Seiers, Sayer, and Seayer began overseeing on December 13, 1856, at the rate of \$600 a year. He served one year and began on another but it is not recorded whether he worked the full two years or not. Hull, the last one of whom there is an account, was to receive \$50 per month, and Perry agreed to furnish him beef, meal, molasses, and a servant to assist his wife and to cook and wash.

The negroes were allowed small patches of their own in which they raised cotton, corn, and vegetables. In the calculations made about 1852 of the size of the various fields, the measurements of the prairie field were fifty-six acres after four acres had been taken out for garden and lot; the timber field was 187 acres after a deduction of one acre for each of the nine "boys," Simon, Sam, Ned, Ben, Bill, Peter, John, Clenen and Bob. African Bill and Sam each received \$38.87 for their 1839 cotton crop; Bill and Peter were each credited with \$55.02 for their 1840 and 1841 crop; Ned, \$30.72 for his 1841 cotton; Simon \$41.34 for his crop. In December 25, 1845, Clenen was debited to Ben for balance of \$2.35 due him for rent of ground for 1845. The crops of Simon and Peter were short in 1846, being 73 pounds and 115 pounds respectively. On November 27, 1847, this entry was made, "Bill African By 1,110 lb. Seed Cotten Crop of this year suppose to be worth 1½c but to [be] paid at what my crop sells for—\$16.05." In 1854 the total crop for seven "boys" was 11,036 pounds. When one slave picked another slave's cotton, he was credited on the Day Book with the money for the picking. The negroes raised corn as well as cotton. Ben sent sixteen and Simon six barrels of corn to Brazoria in 1848. In 1850 Bill was credited with 585 pounds of fodder at one cent a pound, and sixteen barrels of corn at \$8.00. In 1855 Purnell is credited with 20½ bushels of corn. The negroes must have raised hogs, for Clenen sent fifty pounds of bacon worth \$10 to M. B. Williamson in 1847, and Ned sent sixty-one pounds to Canon.

There is no record of clothing and supplies being issued to the negroes. On the other hand, the negroes are charged with shoes, tobacco, and merchandise from Mills and Bennett, Stringfellow and Aharns, and other firms. This may have been to keep ac-

count of what was spent on each slave, but the shoes and other articles are only charged against those negroes who are shown to have had a patch of ground, except George who is charged with one pair of shoes in 1850. The "coars" shoes and "Russett Brogans" ranged in price from \$1.25 to Sam's \$3.50 boots in 1849. These merchandise orders may have come from the proceeds of their crop to supplement their regular clothing allowance. The merchandise included combs, flannel, \$5.00 dress patterns, sugar, padlocks, net and cambric for two or three mosquito bars, buckets, and straw hats. Between 1839 and 1851 there are recorded thirteen pairs of shoes against Bill, three pairs being for Betsy; Sam had a pair for each year from 1839 to 1842; Ben, Peter, Simon, and Ned had five pairs each for the four years, one pair of those bought for Peter was for Silvey; three of John African's twelve pairs were for Becky; Allin and Clenen had two pairs each between 1839 and 1842, and George had one pair. Sam is charged with twenty-three plugs of tobacco, Ben with seven, and Ned with fourteen plugs.

Although the plantation was located on the Brazos, the products had to be hauled to Aycock's in Brazoria, which was nine miles from the plantation, or to Crosby's Landing. There is no record of a landing at Peach Point. If there was no immediate market or no boat to transport the goods, they were stored in the warehouse at the shipping point. Both Aycock and Crosby often acted as agents to dispose of the farm products. Frequently one of the various schooners, *Alamo*, *Josephine*, *John G. McNeel*, *Hamer*, *Oscar*, *Washington*, *S. M. Williams*, or the *Rein Deer*, plying on the river was at the landing and received the goods at the end of the haul, and thus shipment was made directly to William H. Hendley & Co. of Galveston, who disposed of the shipment in New Orleans, Baltimore, or New York. Perry did some banking business with the firm of R. Mills & Co. of Brazoria, with its successor, R. & D. G. Mills, and with James Reed & Company of New Orleans. These firms sold the crops on different occasions, but William Hendley & Co. did most of this work. Perry settled Crosby's bill for storage and ferriage on March 23, 1853, for \$118.75. This bill went back far enough to include \$25.50 for storage of 408 barrels of molasses of the crop of 1850 and 1851 at 6¼c. Much of the supplies for the plantation came

from James Reed & Company, R. & D. G. Mills, and William Hendley & Company. Smaller items came from Mills and Bennett, Stringfellow & Aharns of Brazoria, Smith and Pilgrim, Blackwell and Schlecht, E. Purcell and Company, and Canfield and Slater of Galveston. It was not indicated where all of these firms were located.

The 106 bales of the 1839 cotton crop netted \$3744 after deducting \$297 for the cost of the bagging and rope for baling. This year and the years immediately following were hard in Texas, because of the panic in the United States and the declining value of Texas currency due to the unsound finances. The currency depreciated steadily until it was worth about one-third of its face value. The prices, according to the *Telegraph*, were unreasonably high; pork was eighty cents per pound; a beef, from \$70 to \$80; corn meal \$6 to \$8; coffee per pound, fifty to sixty cents; butter, from \$1.25 to \$1.50 per pound.⁸² Mills & Bennett shipped the 1840 crop of 103 bales, and the net proceeds were \$4561.73, after deducting cost of bagging, rope, charges to and at San Luis, and the balance of the interest. This is about two cents per pound more than the year before. R. & D. G. Mills handled the 89 bales of the 1841 crop and returned a net price of \$4338.58. The sum of \$1306.14 was the net price of the 50 bales of the next year, while the 61 bales of 1843 yielded \$2700.78 after the usual expenses incident to baling were paid. Perry ginned J. T. Hawkins's 1843 crop also. He was to receive one-tenth of the net proceeds after R. & D. G. Mills had sold the crop plus \$1.00 per bale for packing. The extremely low price of three cents in 1844 brought the net proceeds of the 118 bales to \$3133.45, or \$174 as the net yield per slave for each of the eighteen field hands. The largest cotton crop of the whole period, 130 bales, brought in only \$4644.55. It is a big jump from 130 bales to the 10 bale crop of 1846. This brought \$46 per bale, and \$700 would cover the amount brought in by corn, meat, and lard as set down in the record. Thirty-six bales of the 105 bales of the 1847 crop brought \$1217.46. It was not recorded how much the 159 bales of the 1848, 1849, and 1851 crops amounted to. The sale of sugar cane products for 1852 through 1856 added

⁸²*Telegraph and Texas Register*, October 2, 1839.

to that of 1863 both retail and wholesale as recorded was \$14,236.29, but this is not likely to be a complete record.

Perry wrote in 1833 that for the past several years farmers had raised cotton with great success, averaging "from 7 to 8 bales to the hand weighing from 540 to 560 each besides corn and everything ells for the support of their farms." But the 1838 crop was the only one with which Perry was ever able to equal this record. The crop that year averaged nine bales to each of the fourteen hands. The crop of 1845 averaged six bales to the hand, and the 1839 averaged five bales. The average for 1846 was one-half bale. The average per hand for the twelve years from 1838 through 1849 was $4\frac{1}{6}$ bales.

For brief glimpses of the life and environment of the family who owned and made Peach Point their home, we are dependent on fragmentary sources. From the first Austin, who had visions of a splendid, comfortable life on the plantation, had urged his brother-in-law to plant fruit trees and raise a garden. In fact, Austin himself was always gathering new varieties of peaches, plums, grapes, figs, and other fruits and trees to send home, even from Mexico. In 1839 one Holsteine was employed as "gaurdner from 1st Feby to 10th Sept." He was paid \$140 for his $7\frac{1}{3}$ months of service. On December 16, 1840, a "sparrigrass" (asparagus) bed was planted, as well as varieties of fruits. In this year it was planned to have a row of fruit trees on each side of the road from the house to the gate. Gage and damson plums, peaches, apricots, figs, and pears were already growing, and Perry indicated from which trees he wished sprouts taken for the new orchard. In 1843 Guy M. Bryan wrote of the garden,

It has been perfectly green throughout the whole of the winter. It is pleasant to a *sore-eyed man* to wander in the *dead of winter* through walks embowered with roses & fragrant shrubs of every kind & colour, to meet at every turn the orange the vine the fig & pomegranate, all of which abound in my mother's yard, the products of our genial clime & mother's guardian care.⁸³

The place then presented a great contrast to that described by Austin in 1836 as "still in the primitive log cabbins and wild shrubbery of the forest."⁸⁴

⁸³Bryan to Hayes, January 21, 1843. THE QUARTERLY, XXV, 104.

⁸⁴Austin to Ficklin, October 30, 1836. Austin Papers.

Mrs. Perry, the mistress of this pleasant home, was a woman of culture and education, trained at "The Hermitage," a fashionable school for young ladies in New York. Her husband was a man of strong intelligence and public spirit, a factor in the economic progress of Texas from his arrival in 1831 to his death in 1853. Her son, Guy M. Bryan, was a graduate of Kenyon College, at Gambier, Ohio, where his brother Stephen Perry was also a student. Henry Perry, the youngest brother was a graduate of Trinity College, at Hartford, Connecticut. In 1848 Rutherford B. Hayes, Bryan's classmate and bosom friend, visited the plantation, and through extracts from his diary and comments of his biographer we can see how it impressed him:

The House was beautifully situated on the edge of the timber, looking out upon a prairie on the south, extending five or eight miles to the Gulf, with a large and beautiful flower garden in front

Social life here afforded no end of entertainment—balls and parties rapidly followed one another, the guests riding ten, fifteen, and even twenty miles, arriving early in the afternoon, and remaining for nearly twenty-four hours, the great plantation house supplying room for all. "An exceedingly agreeable, gay, and polished company . . . merriment and dancing until 4:30 a. m.—like similar scenes elsewhere. Gentlemen breakfast from 10 till 11:30; all off by 12 o'clock."

January 25 [1849].

Ride with Uncle and Guy over Gulf Prairie to the mouth of the Bernard, to fish and eat oysters. A glorious day. Deer, cattle, cranes, wild geese, brant, ducks, plover, prairie hens, and the Lord knows what else, often in sight at the same time. The roar of the Gulf is heard for miles, like the noise of Niagara. Staked out horses with "lariats," eat old Sailor Tom's oysters, picked up shells, fished and shot snipe until 5 P. M., then rode home through clouds of mosquitoes, thicker than the lice or locusts of Egypt—like the hair on a dog's back. Notice the eagle's nest on the lone tree in the prairie and reach home glad to get away from the mosquitoes.

Tuesday, January 30.—Ride with Mr. Perry over to Sterling McNeal's plantation. A shrewd, intelligent, cynical old bachelor, full of "wise saws and modern instances"; very fond of telling his own experience and talking of his own affairs. Living alone he has come to think he is the "be all" and "end all" here. The haughty and imperious part of a man develops rapidly on one of these lonely sugar plantations, where the owner rarely meets with any except his slaves and minions. Sugar hogsheads vary from 1100 to 1800 lbs. White and black mechanics all work

together. White men generally dissolute and intemperate. Returned, found Uncle Birchard returned from Oyster Creek, with the trophy of a successful onslaught upon a tiger cat. Glorious weather. One little shower.

Monday, February 5.—Cold and clear. Forenoon spent with Stephen and the ladies—music and flirting. Afternoon rode up to Major Lewis's. Three agreeable young ladies; music, singing, and dancing—city refinement and amusement in a log cabin on the banks of the Brazos, where only yesterday the steam whistle of a steamboat was mistaken for a panther.⁸⁵

It was in 1848, probably in preparation for the visit of this guest who was later to be President of the United States, that Mrs. Perry ordered silver ware "not to cost over \$400," with Austin's seal to be engraved on each article. The service included coffee pot, tea pot, sugar bowl, cream pot, slop bowl, four ivory salt spoons, and one dozen each of tea spoons, dessert spoons, dining forks and dessert forks.⁸⁶

Finally a word needs to be said of the two old volumes which form the principal source of this study. They are mildewed blurred, and faded, so that the task of deciphering them is, in many places, extremely difficult. The memoranda which they contain were written for the use of the planter, without thought of the historian. Many aspects of life on the plantation which we should like to see in a day to day commonplace record are lacking, simply because to the writer they were commonplace. As it is, however, this is the only known contemporary record of an ante-bellum Texas plantation. There may be others—even more complete ones—in neglected family archives, but they are not available. One likes to believe, as in some respects was probably the fact, that Peach Point was a typical Texan slave plantation. It was self-sustaining. There was around it an atmosphere of culture and contentment. The negroes remained long in the family, were apparently treated with consideration, and there is every indication that they were comfortable and happy.

⁸⁵Williams, *Life of Rutherford B. Hayes*, I, 50-51.

⁸⁶Perry to Hammeken, June 9, 1848. Austin Papers. Mrs. Perry sent to New Orleans her mother's service (Mrs. Moses Austin's, that is) to Hyde and Goodrich with coin and silver, and it was converted and made larger. The original service had been smaller and plainer.—Note by Mrs. Hally Bryan Perry.

APPENDIX I

SPECIMEN PAGES OF COTTON PICKING RECORD, 1845

August	5	6	7	8	9	11	12	13	14
Allen	140	63	107			107	138	117	130
Bill			155	87		257	270	248	290
Ben									
Bob	292	113	178	265	184	200	232	235	232
Betcey	262	113	117	167	104	169	170		
Beckey		85	118	97	91	84	115	118	185
Clenen									
Caroline	309	145	243	254	255	262	282	276	265
Chaney	125	100	191	108					64
Charlot	219	110	164	148	161	151	165	180	186
George	301		173	219	215	215	246		
John	231		126	137				101	155
John Jack				166	125	144	152	166	167
Lowey	289	115	186	161	175	224	221	235	221
Mary		92	168		164	182	182	176	182
Ned									
Peter				145	77	263	291	288	265
Purnell	258		140		145	142	126	150	138
Robert							86	60	90
Silvey						94	108	25	
Westley						93	150	110	85
Sam									
Prairie Field	2426								
Fine Cotton		823							
Timbered Field			2066	1940	1696	2597	2934	2579	2888

August	15	16	19	20	21	22	23	24	26
Allen	136	155	150	147	147	167	165	140	148
Bill	320	285	295	331	295	287	279	280	287
Ben					185	205	200	194	
Bob	222	245	165		251	255	238	205	268
Betcey		155	145	138	60	196	200	205	206
Beckey					133	126	151	134	160
Clenen	110	165	200	207	192	177	160	164	160
Caroline	307	295	110		344	301	315	333	345
Chaney	147	185		72	227	208	231	296	41
Charlot	214	180	215	195	201	200	185	235	202
George			56	141	159	204	208	290	285
John	125	175	215	198	203	211	180	200	211
John Jack	160	160	160	154	181	167	163	200	170
Lowey	267	258	294	319	307	304	234	233	330
Mary	207	200	211	196	200	200	212	205	220
Ned			210	196	200	200		222	191
Peter	312	301	301	302	355	310	315	312	402
Purnell	157	147	170	210	205	180	160	174	190
Robert	50	45	60	65	65	60		85	100
Silvey	98	95	140	154	160	137	164	137	130
Westley	119	123	140	165	165	154	130	120	155
Prairie Field							3936	4312	4379
Fine Cotton				1000	4173	4076			
Timbered Field	3023	3129	3186	2105					

SPECIMEN PAGES OF COTTON PICKING RECORD, 1845

August— September	27	28	29	30	31	2	3	4	5
Allen	162	170	160	106	71	132	148	153	152
Bill	62	357	300	245	155	267	249	259	259
Ben	185	243	212	170	95				
Bob	259	328	312	212	119	252	249	247	232
Betcey	195	266	260	180	86	174	195	178	201
Beckey	180		146	130	91		116	151	
Clenen	174	182	113	126	79				
Caroline	344	400	352	291	161	265	274	288	294
Chaney	200	255	228	161		84	163	185	154
Charlot	180	214	195			160	185	182	151
George	285	360	329	235	92	250	248	265	271
John	185	217	222	159	71	166	192	180	176
John Jack	185	230	216	18	885	149	137	152	200
Lowey	321	387	330	314	165	214	232	222	249
Mary	190	271	245	136	906	171	191	196	193
Ned	210	211	218	176	96				
Peter	359	407	350	319	165		279	284	300
Purnell			171	58	59	168	175	209	211
Robert	116	82	81	72	38	75	183	100	
Silvey	114	162	137			130	122	128	110
Westley	150	165	153	130	771	135	148	131	117
Prairie Field	4000	5143	4752	3397	1725				
Fine Cotton						2722	3386	3351	3301
Timbered Cotton									

September	7	8	9	10	11	12	13	15	16
Allen	157	140	155	148	176	152	157	141	135
Bill	285	260	300	262	314	280	281	254	229
Ben									
Bob	174	132		100	170	243	272	255	238
Betcey	284	182	235	240	241	217	230	202	182
Beckey	106			147	180	170	171		77
Cleney									
Caroline	326	306	302	151		216	161	274	
Chaney	179	147	180	185		125	218	194	195
Charlot	190	178	218		191	182	206	188	181
George	292	264	267	239	295	266	278	211	237
John	200	175	224	205	194	205	202	200	181
John Jack	262	180	151	191	191	191	185	165	165
Lowey	205	275	301	279	()	295	242	247	251
Mary	132	1—	204	195	122	204	231	188	171
Ned		212	234	88	90				
Peter	326	301	327	326	341	337	305	276	250
Purnell	230	200	205	206	221	212	197	175	171
Robert	100	85	90	106	97		88		
Silvey	142	142	150	137	164	130	150	121	113
Westley	161	150	149	150	175	153	71		
Prairie Field									
Fine Cotton	3831	3512	3695	1404	3610	3578	604		
Timbered Field				1784			2972	3092	2712

APPENDIX II

STEPHEN S. PERRY'S JOURNAL OF 1848

The spelling, punctuation, and form of the original journal have been retained as nearly as possible.

Journal Kept By Stephen S. Perry during the year 1848

Month & Day	Occupation	Delinquencys
January the 16	Gin is runing Making rails thering down and rebuild- ing fences—	Allin Sick
17	Making fence, cleaning the gutters, shelling corn— Gin runing	Allen Sick 1
18	Tearing down and rebuilding fences. Cut down the hedge in the Prairy field— Making rails Gin runing until nine oc at night	Bill Sick—1 Allen " 1
19	Taring down and rebuilding fences.	Ben and Chaney sick 1 Allin " 1
20	Taring down and rebuilding fences—	Allin Sick 1
21 22	Finished rebuilding fences in the Prairy field,	Allin Sick 1
20	Mrs. Jack's Tom commenced work	
22	Making cotton bailes, (made 16,) carryin Cotton into gin house	Allin sick 1
23	Sunday—	Allen Sick 1
24	Weighing cotton bailes, shelling corn	Allen sick 1
25	Making Ben's chimley	Allin sick 1
26	Finished Ben's chimley. Commenced rebuilding fence in the Bottom field	Allen sick Mary and Ben sick
27	Killed sixteen Hogs, cut them up and salted, part of the hands was occupied carrying cotton from the pens into the Gin Hous. Gin runing All savd and cured	Mary and Ben Allen sick Bill half a day sick— Silvey sick afternoon
28	Killed Fifteen Hogs. Cut them up and salted part of the hands was ocupied carrying cotton from the pens into the Gin House, Gin running all savd and cured	Allen sick
29	Shelling corn all hands continued building fence.	Allen sick
30	Sunday	Allen sick
31	Taring down and rebuilding fences. Hunting sowes and pigs, put nine sowes with about forty young pigs in the Prairy field,	Allen sick
Febru- ary the 1	Kill'd Sixteen hogs this morning cut them and salted, continue making fence, with the women	Allen sick George "

Month & Day	Occupation	Delinquencys
2	Making fence and splitting rails Shiped to Aycock's landing fifteen sacks of corn, containing 40 bushels to be sent to Judge Low Galveston	George sick Allen sick
3	Making and splitting rails, continue building fence	Alen sick
4	Making cotten bails, made fifteen bailes carrying cotton in to the Gin,	Allen sick
5	Continued to bail Made seven bales, weighed, and shiped eleven to Mr Aycocks Landing Making fence, gin stoped today	Allen sick
6	Sunday	
7	Finished building the back string of fence in the Bottom field Shiped eleven bailes of cotton to Mr Aycocks Landing	Alen and Mary sick
8	Commenced pulling cotton stocks, and cleaning up the corn ground,	Allen and Mary sick,
9	Continued to pull and roll Cotton Stocks, And Cleaning up Corn Ground,	
9	Ploughes commenced today, the 9. of February	
10	Three Ploughs running, Cleaning up cotton stocks,	
11	Ploughing and cleaning up ground,	
12	Ploughing	
13	Ploughing	
14	Ploughing and braking down cotton stocks,	
15	Ploughing and braking down cotten stocks. Father with four of the men, has been repairing the Cotton press. Finished Gining today	Becksy commenced working in the field to day stoped working in the field the 7 of February
16	Ploughing and braking down cotton stocks &c &c	
17	Commenced planting corn, Continue to brake up land—	
18	Planting corn braking up land	
19	Planting corn	
20	Sunday	
21	Planting corn and braking up land	
22	Planting corn and Ploughing	
23	Planting corn and Ploughing	
24	Planting corn and Ploughing	
25	Finished planting corn this morning Braking up land and braking down cotten stocks	George sick Silvy commenced work today having miss one week
26	Ploughing; throwing up cotten ridges in the bottom field, the ground is too hard to plough in the Prairy field, braking down cotton stocks Commence minding birds corn coming up	Ben sick Allen sick

Month & Day	Occupation	Delinquency
27	Sunday	
28	Making cotton ridges braking down cotton stocks and minding birds	
29	Making cotton ridges cleaning up the suger cane ground minding birds —	Tom sick
March 1	Braking up potatoe ground and making cotton ridges. Minding birds. Commenc planting cotton to day about twelve oc	Tom Sick
2	Ploughing up potato ground and making cotton ridges finished cleaning up the suger ground minding birds corn coming up very slow.	
3	Braking up cotton ridges planting cotton, Making Potato hills and cleaning out ditches in the bottom field west of the Gin.	
4	Making cotton ridges plowing cotton Making potato hills Minding birds	
5	Sunday	
6	Commenced Ploughing in the Prairy field, very good ploughing since the rain. Setting out Potato slipes Planting cotton in the bottom field—	Betsy sick this afternoon George absent to day — Westly absent Silvy working in the garden
7	Braking up cotton ground in the Prairy field. Planting Potatoes	Silvy absent
8	Braking up cotton ridges in the Prairy field Cutting up cotton stocks. Planting Potatoes	Silvy absent George absent
9	Braking up cotten ridges in the Prairy field Cutting up Cotten stocks. Commenced Planting Cotten in the Prairy field to day	Silvy absent to day George absent
10	Finished ploughing the Prairie field and also the bottom part, planting cotton in the Prairy part, finished planting sweet potatoes Minding birds corn not all up yet—	Clenon absent from the field Bob sick George absent
11	Commenced ploughing on the north side of the turn row, next to the house in the bottom field Planting cotten in the prairy field	George absent
12	Sunday, no work don on Sunday	
13	Braking up cotton land on the west side of the turn-row next to the house Planting cotten now Cotten commince coming up	
14	Braking up cotten ridges in the Bottem field. Cotten coming up	
15	Planting cotten in the bottom field on the west side of the turnrow. Commenced braking out the midles Finished making cotten ridges	
16	Making cotten bales	Mary Ann Sick
17	Finished making cotten bales the last of this years crop Ploughing out the middles	
18, 19 & 20, 21	Absent from home Cotton coming in the Prairy field	

Month & Day	Occupation	Delinquencys
22	Braking out the middles in the Bottom field, Making a ditch the whole length of the string of fence in the Prairy runing East and West, cleaning out other Ditches, making fences in the around the paster—	John sick Mary Ann sick
23	Commence ploughing corn Cleaning out ditches	Mary Ann Sick John Sick
24	Ploughin corn, commence hoing corn to day, (we did not harrow our corn this year. I do not think we did right) We smothered down the ridges with the hoes	Mary Ann Sick John Sick Clenon Sick
25	Ploughing and hoing corn	John and Mary Ann Sick
26	Sunday	John & Mary Ann Sick
27	Ploughing and hoing corn	John Mary Ann Peter Sick
28	Finished Ploughing & hoing corn on the cut north of the Ditch	John Peter Mary Ann Sick Ben
28	Ploughing and hoing corn sournth of the ditch. A very good stand of corn on both cuts	John Peter Ben Mary Ann sick
29	Ploughing and hoing corn	John Mary Ann Beckey
30	Ploughing and hoing corn Sweet-Potatoes cuming up.	John Mary Ann & Beckey Tom all sick
31	Ploughing and hoing corn Commenced ploughing cotton	Beckey sick

Synopsis of the months of January February and March,—

The months of January February and March have been exceedingly favorable to the Planters in this Latitude. Very little rain for the the last four or five years, the Winter and fall has been noted for dryness: The sun has been obscured the greater part of the months of February and March. Heavy clouds have constantly been threatening us with a deluge, the atmosphere; in consequence of this and the coold winds blowing almost constant from the north & south also the heavy dews at night with the few refreshing showers that have fallen. This keeps the earth moist & mellow & in a good condition too *moisten* the seed and bringing forth vegetation. The field is in good condition to work, all (except the prairy part which requires heavy rains being very stiff land the soil will not undergo filtering like the [bottoms] on account of the few rains and strong winds The atmosphere has become impure which has produced sickness among the negroes. they complain principally of pains in the breast and sides—rumatisoms &c &c &c— The months of February and March has

been practically dry. We commenced Ploughing on the ninth of February. The ground was in an excellent condition and broke up well, we had very little rain during this month not sufficient to prevent the Ploughs from runing On the 22 of March we finished braking up the whole plantation (the middles in both cotten & corn ground) the ground was in excellent condition. Commence planting corn on the 17 day of February. Finished ploughing [planting] corn on the 25 *Feb.* Corn up on the 26. Commenced Minding birds on the 26 Febr—commenced planting cotton on the, 1, of *March* Commenced planting cotten in the Prairry field on the 9 of March. Finished planting cotton on the 26 March Cotton up on the 14 of March. Commence running round the cotten with a one horse plough on the 31 of March. hoes commenced on the 2 of April.

Commenced ploughing corn on the 23 of March hoing corn on the 24, of March, Finished hoing and ploughing on the 31.

Planting potatoes on the seventh of March finished Planting on the 10 of March. Potatoes coming up on the 26 of March—
Stephen S. Perry

Delinquences during the months from the 17 January to the [first] of April.

Number of days sick—

Allen	24
Bill	Day and one-halfe
Silvey	Sick 1
George	" 3
May Ben	" 4
Ben	" 3
Tom	" 3
Clenen	" 2
Mary Ann	" 11
John	" 9
Peter	" 2
Bob	" 1
Beckey	" 3

[On a slip of paper attached to the last sheet of the Synopsis was the following:]

Silvy absent from the field Days working at the house

	Days
Silvey	11
George absent	4
Becky working at the house	14
Wesly absent	1

April	Occupation	Delinq
1	Ploughing cotten finished hoing	Beckey absent
2	Sunday	
3	Ploughing cotten and hoing cotten	Beckey Wesley Robert absent
4	Ploughing cotten and hoing cotten	George absent
5	Ploughing and hoing cotten	Mary sick
6	Ploughing and hoing cotten	George absent
7	Ploughing and hoing cotton The corn and Cotten want rain Corn wants rain worse than the cotten	George absent
8	Ploughin cotten and hoing cotten in the bottom field	George absent
9	Sunday No working to day	
10	Ploughing and hoing cotten Finished Ploughing Cotten in Bottom field, Commenced Ploughing in Bottom part of the Prairy field.	Beckey absent
11	Ploughing and hoing cotten Cleaning out the well in the pasture	Beckey Tom Simon absent from the field
12	Ploughing and hoing cotten finished in the Bottom field, hoing potatoes Finished Cleaning out the well in the pasture	Tom Simon Doctor cleaning out the well
13	Commenced scraping Cotton in the Prairy field. Ploughin cotten in the Prairy field	Beckey absent
14	Ploughing and hoing cotten	Beckey absent
15	Ploughing cane and hoing cotten First time the cane has been ploughed this year	Beckey absent
16	Sundy	
17	Finished hoing cotten, hoing and ploughing cane Need left this morning for Chocolet (Sam coming in his place)	Beckey absent Ben sick
18	Commenced ploughing corn hilling it up and ploughing out the middles. Corn looks very well indeed wants rain very much good stand in all of it except the cotten ground replant not all come up	Ben Beckey Betsey sick Silvey absent
19	Ploughing corn seven ploughs runing Commenc hoing this morning about 10 Oc Robert left for Choclet on the 17 of April With Need carryed two mules with him	Betsey Beckey Sick Silvey absent
20	Ploughing and hoing corn	Betsey Beckey sick Silvey absent
21	Very cloudy this morning Ploughing and hoing corn	Betsey Beckey sick Silvey absent
22	Ploughing and hoing corn	Betsey Beckey Allin Sick
23	Sundy	
24	Ploughing and hoing corn	
25	Ploughing and hoing corn	
26	Wednesday. Rained from 10 oc AM to one. Wet the ploughed ground about 2 inches.	

April	Occupation	Delinquences
27	Thursday. fair (finished hoing corn 3 o'clock P.M.)	
28	Friday—Cloudy in the morning fair prospect for Rain Rained in the night hard	
29	Saturday. Set out Sweet Potato Sprouts with 8 hands. 1 Hand Cooking old Sarah Sick 2 Hands Halling wood 2 hands Grinding in the afternoon driving up Cows & Calves 3 Hands work on the Road between Crosbys and Brazoria by order of Majr. J. P. Caldwell overseer	
May 1	Monday May 1st. 4 ploughs started again in Cotten plowing Cotten on the cut N.E. of Gin 12 Hoe Hands finished seting out potatoes before Breckfast, and went to replanting Cotten in the Prairie field—at least one third missing	
2	Tuesday 2 11 Hands finished Replanting Cotten in prairie field againt Breckfast and went to Hoeing Cotten in the Cut N.E. of Gin—1 Hand Bob with Carage to Canney	
3	Wednesday 3 Ploughing Cotten with the shovl plogh and runing around with a one horse plough, hoing cotten cutting the Cotton out to a stand Ploughed the potatoes	
4	Thursday 4 Finished ploughing with the shovel plough to day in the bottom field. Commenced with the two shovl. Ploughes in the Prairy field. Ploughing with one horse plough. Cutting the Cotten out to a stand fine prospects for a good crop of cotten. corn tassoling	
5	Friday 5 Ploughing Cane and Cotten Finished ploughing cane to day	
6	Ploughing Cotten in the Prairy field hoing cotten out to a stand in the bottom field	
7	Sunday	
8	Ploughing cotten in the Prairy field Commenc Cut- ting the Cotten out to a stand in the Prairy field	Mary sick
9	Ploughing and hoing cotten in the Prairy field Cotten coming up in the prairy part since the rain in the hard places think that I will get a tollerable good stand	Mary sick
10	Finished Ploughing in the Prairy field to day, Com- menc ploughing out the middles with the sweeps on that Cut next to the Corn on the south side of the gin, hoing the cotten out to a stand in the prairy field	May & Bill Sick
11	Ploughing cotten Finished hoing cotten in the prairy field. Commen hoing that Cut South of the Gin next to the Corn—	
12	Ploughing corn, Commenc hoing corn to day	
13	Sunday	
14	Ploughing and hoing Corn	Wesly Sick
15	Ploughing corn on the north side of the ditch, hoing Corn on the South side of the ditch	Wesly Sick
16	Ploughing and hoin corn	Wesly Sick
17	Ploughing and hoing corn	Wesly Sick

May	Occupation	Delinquences
18	Finished Ploughing the Corn to day about 12 o.c Commenc braking out the Cotten Ground	Wesly Sick
19	hoing corn and Ploughing cotten	Wesly Sick
20	hoing Corn and Ploughing Cotten on the West side of the gin	Wesly Sick
21	Sunday	
22	Houing corn part of the day, commenc hoing potatoes about nine Oc Ploughing Cotten, on the west side of the gin,	Ben sick Bill sick Wesly sick
23	Hoing Potatoes and ploughing Cotten on the West side of the gin	Ben sick Wesley sick
24	Ploughing cotten and hoing Potatoes until (nine) of (ten Oc) Making potatoe ridges in the corn	Tom sick Wesly sick
25	Finished running around the Cotten on the north eist side of the gin hoing Cotten on the North east side of the gin	Tom sick Wesly sick
26	Ploughing cotten in the Prairy field hoing cotten on the east side of the gin	Wesly sick
27	Finished Ploughing the Cotten in the bottom part of the Prairy field—hoing Cotten on the east side of the Gin north of the midle turn row and south of the Potatoe patch Killed a beef this morning	
28	Sunday	
29	Ploughing cotten on the south east side of the gin north of the turn row hoing cotten there also (Cotten boles Cottin boles)	
30	Finished Ploughing the cut on the south side of the gine and north of the turnrow Commenc ploughing out the midles on the other side of the turnow	Tom run off
31	Ploughing out the middles on the same side of the turn row, Howing corn	Tom run off
	Absent from home untill the seventh of June	Tom run off
Month of June	Ploughing cotten in the Prairy field, runing out the middles, hoing cotten, Ploughing cane with a double horse Plough—	Tom come in
7		
8	Finished Ploughing and hoing the Prairy cottin to day about Twelve and one Oc Ploughing the slip potatoes also hoing the Potatoes, Commenc braking out the midles in the bottom field on the north side of the gin to the right of the middle turn row,	
9	having rained all night was too wet to hoe the potatoes or plough Cotten, spent part of the day hoing cane having rained halfe of the day assorting the corn from the shucks and shelling corn to grind	
10	Plough hands hoing cane until breakfast time, they then cut wood untill dinner time Doctor and Allen halling wood & cotten Bill's gang hoing cane all day. Ploughs commenc runing after dinner,	
11	Sunday	
12	Commenc ploughing out the midles north of the slue and on the right of the gin next to the corn hoing potatoes	

June	Occupation	Delinquences
13	Finished Ploughing the cut of cotton on the right of the gine and north of the slue Ploughing the cut south of the gin and on the left of the turnrow going down Finished hoing potatoes and Commenc hoing the cotton following the Ploughs, Fine cotton nearly as high as my hand Bold hoed out the turnrow and as fare down as the gin	Becky sick
14	Ploughs stoped on account of the rain hands have been employed a variety of ways some carrying shuck some getting board timber and some hoing down the the large weeds in the fields .Cleaned the ridge where the Bo dark is planted	
15	Four hands getting board timber Three of the hand gon halfe of the day after basket timber, Clenen and Allen halling board timber the other halfe Bob with John and Simon was together with Bill's gang hoing cotton very wet hoing	Carlin sick
16	Commenc ploughing this morning six ploughs runing and two sweeps Finished hoing the Cotten cut next to the corn and north of the slue	Carolin sick
17	Ploughing cotton hoing cotton south of the slew and next to the corn—Wesly has a sore shine which is nearly well, we have been doctering him by applying a plaster of fresh cow menure which is very good—	
18	Sunday Sunday	
19	Ploughing and hoing cotton south of the gine hoing on the right hand side of the turnrow Ploughing on the other side—	John sick this morning
20	Finished Ploughing out the midles today about (—) Oc. I have Ploughed out all the middles on the Plantation all hands hoing the cut on the south side of the gin and west of the turnrow. Two sweeps runing on the cut West of the gin and South of the ditch	
21	Two sweps runing, all the rest of the hand hoing excep Ben who is making bords	
22	Two sweeps runing so the rest of the hands are hoing cotton, having finished that cut south and west of the gin, Commenced hoing on the west side and of the gin and north of the slue,	
23	Two swep runing after two Ploughs hoing cotton and Ben is making boards, Droped the sweep today about 12 Oc	
24	Droped the sweeps and commenced ploughing again, finished this cut to day about 12 Oc hoing cotton with the remainder of the hands in this same cut,	
25	Sunday	
26	Commenced ploughing out the middles in the cut south of the slew next to the corn and on the east side of the gin Hoing the cut north of the slew and east of the gin, Three sweeps runing in the Prairy field	
27	Three sweeps runing in the prairy field Sam, Tom, and Bob Finished hoing cotton Wednesday the 26 hoed out the turnrow hoing potatoes in the corn cutting down the weeds in the corn	
28	Sweep runing, Cutting down weeds in the corn	
30	Sweeps running in the Prairy field, Cutting out the weeds in the Prairy field—	

June	Occupation	Delinquences
August the 17	Picking cotton in the Bottom field Commenced yesterday on the cut south of the gin and east of the turn-row	
19	All hands commenc picking cotton to day the first fair day we have had since I have commen[ced] picking—	Georg sick
October the 11, 1848	Stoped picking cotton We have picked, 154188	
November 1	We had a light frost the first this year.	
November the, 4,	We had frost quite heavy	
November the 5	Very heavy frost the suger cane was Killed on the fourth of November I commenced cutting cane on the 4 of November	
November the 6	Frost not quite so heavy as the night before cane all killed,	
Nov the	Finished cutting cane	
November the 21, 1848	Finished diging potatoes The Potatoes turned out very well this year—	
November the 24,	The gin commenced running—	

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THE INDIAN POLICY OF THE REPUBLIC OF TEXAS

ANNA MUCKLEROW

CHAPTER V

THE INDIAN POLICY OF LAMAR'S ADMINISTRATION

I. LAMAR'S ATTITUDE TOWARD THE INDIANS

Lamar's personal attitude toward the Indians was diametrically opposed to that of Houston. This naturally resulted from the early experiences of the two men. Houston had lived among the Cherokee Indians in Tennessee and Arkansas, knew them as friends, and trusted them as men of honor. The old Cherokee chief, Ooloteka, called him his adopted son, and believed that through him justice could be gained for the outraged and oppressed Indians. Houston knew from actual association the point of view of the aborigines, and saw the justice of their claims. On the other hand, Lamar was unable to think of the Indian except as an impediment to the progress of the white man. He had served as private secretary to Governor Troup of Georgia during the controversy over the Creek lands. The Governor had no sympathy whatever with the Indians, but was determined to carry out the disputed treaty of Indian Springs whether legitimate or not, for it gave to Georgia possession of the coveted Creek lands. He also asserted that the Indians could not establish an independent government within the State, but must, if they remained in Georgia, be subject to its laws. In his close association with Governor Troup, Lamar was probably influenced by his views. When he became President of Texas, Lamar saw no hope of a peaceful settlement of the difficulties between the Indians and the settlers; he did not believe in the integrity of the red men, and advocated their expulsion or extermination.

In his first message to Congress on December 20, 1838, Lamar made his position concerning the Indians perfectly clear. He considered the policy of pacification a total failure. "As long as we continue to exhibit our mercy without showing our strength, so long will the Indians continue to bloody the tomahawk, and move onward in the work of rapacity and slaughter." The time

had come for retaliation, he urged. "Not in the murder of their women and children, but in the prosecution of an exterminating war upon their warriors; which will admit of no compromise and have no termination except in their total extinction or total expulsion." He did not believe that either the native or immigrant Indians had a just cause for complaint. The indigenous tribes had without just cause committed horrible depredations on the settlers; the immigrant tribes came into the country "as intruders, were positively forbid to make any permanent abidance, and have continued in the country up to the present period against the public wish, and at the sacrifice of the public tranquility." He said, that if the Mexican authorities of the state of Coahuila and Texas had made any promises of land to these Indians, it was for the purpose of inducing them to make war on the American settlers, so that these promises could not be considered as "moral obligations" by the present government. Concerning the Cherokee Treaty made in consequence of the pledge of the Consultation, he held that it was never ratified by any competent authority, and that even if it had been ratified the government was "wholly absolved from performance of its conditions by the notorious and habitual violation of its principal stipulations by the Indians." However, in case the government should decide to carry out the treaty and grant the lands to the Cherokees and their associate bands, then in return the Indians should be required "to render full allegiance to the government of Texas to respect and obey its laws, and to support and defend its constitution." He urged that they should not be allowed to remain in Texas under any other conditions, because not only would "an alien, independent and innately hostile people," be introduced into the Republic, but an absolute government within the confines of an absolute government would be established. This was the same question which had complicated the Indian situation in Georgia, and Lamar presented the same argument which Troup had given and with which President Jackson had agreed. In order to improve the state of Indian Affairs in the Republic, Lamar offered the following suggestions:

[1] That there be established, as early as practicable, a line of military posts, competent to the protection of our frontier from the incursions of the wandering tribes that infest our borders;

and that all intercourse between them and our citizens be made under the eye, and subject to the control of the government.

[2] In order to allay the apprehensions of the friendly tribes, and prevent any collision between them and our citizens, I would recommend that each Indian family be permitted to enjoy such improvements as they occupy, together with a suitable portion of land, without interruption or annoyance, so long as they choose to remain upon it, and shall deport themselves in a friendly manner, being subordinate to our laws in all criminal matters, and in matters of contracts, to the authorized agents of the government.

[3] To this end, the appointment of suitable agents, to reside among the located tribes, would be necessary; whose duty it should be to keep up a vigilant espionage, cultivate friendly relations, and, as far as practicable, prevent all causes of interruption and collision between the Indians and our own people.

[4] Commissioners might be appointed to make treaties to this effect with such tribes as are disposed to peace and friendship, while those who reject the terms should be viewed as enemies, and treated accordingly.

[5 If these "gratuitous and liberal concessions" should prove inadequate, and the Indians should persist in their extravagant demands, and resolve upon war,] then let them feel that there are terrors also in the enmity of the white man, and that the blood of our wives and children cannot be shed without a righteous retribution. My solicitude on the subject of frontier protection has partially overruled the repugnance I have always felt for standing armies. In the present disturbed condition of our foreign and Indian relation the proper security of the country at large and especially the peace and safety of our border settlements seem imperatively to require the immediate organization of a regular, permanent and efficient force.¹

Throughout his entire administration, Lamar consistently adhered to the policy that he outlined in this first message to Congress. The Fourth Congress met at Austin, November 11, 1839. In his message of November 12, to that body, Lamar represented the beneficial results of his stern Indian policy. "The cries of captivity and murder," he said

have, of late, been seldom heard upon our borders. With the exception of a few recent massacres, resulting entirely from the temerity of our own people, the frontier has, for some time, enjoyed an almost equal security with the interior sections of the country; and is at the present moment in a state of tranquility

¹Journal of the House of Representatives of the Republic of Texas, 3 Congress, Regular Session, 173-176.

heretofore unknown, and which we hope, by proper vigilance and activity, to render as permanent as beneficial.

He urged Congress to push a vigorous war against the Indians, "pursuing them to their hiding-places, without mitigation or compassion, until they shall be made to feel that flight from our borders, without the hope of return, is preferable to the scourges of war."²

Lamar did not believe it possible for the Indians and the American settlers to live side by side on friendly terms. He advocated the removal beyond the territorial limits of the Republic of "every Indian tribe which had no rightful claim to reside in Texas."³ If any Indians could establish a just claim to land, they might remain but must become subject to the laws of Texas.

II. ACTS PROVIDING FOR OFFENSIVE AND DEFENSIVE MEASURES AGAINST THE INDIANS

Lamar's advocacy of a stern and unrelenting Indian policy was evidently in accord with the idea of the majority in Congress, because laws embodying his plans were soon passed.

The regular session of the Third Congress assembled at Houston, November 5, 1838, and adjourned January 24, 1839. The new Indian policy was not advocated by the President only, but received the support of G. W. Bonnell, Commissioner of Indian Affairs. In November he made a report to Congress in which he stated that a treaty with the Indians was worth nothing unless it was preceded by a good chastising, and that the suffering on the frontier had been great enough to justify the immediate adoption of such measures. He recommended that a sufficient force of mounted men be raised as quickly as possible to march into their territory, to attack their villages and make them feel the horrors of war until they would welcome peace on any terms.⁴ The House Committee on Indian Affairs reported January 9, 1839. It vividly brought out the impossibility of continuing the "temporizing pol-

²Yoakum, *History of Texas*, II, 280-281.

³Manuscript: "M. B. Lamar to Citizens of Liberty County near the Cushattee Towns and Villages," July 9, 1839. Indian Affairs, Texas State Library.

⁴Reports of the United States Senate, 30 Congress, 1 Session, No. 171, 38-50.

icy" pursued by the preceding administration, and declared that "when the Indian dreads our power, then and then only will he be our firm friend and ally."⁵ Thus urged on by the President's message, by the reports of the Indian commissioner, and the Committee on Indian Affairs, the Third Congress passed four bills providing for offensive and defensive measures against the Indians. Lamar signed the first act on December 21, 1838. It provided for an extensive system of protection along the northern and western frontiers. A regiment of eight hundred and forty men, rank and file, was to be enlisted to serve for the term of three years unless sooner discharged. The regiment should be divided into eight detachments to be stationed respectively at or near the Red River, the Three Forks of the Trinity, the Brazos, Colorado, San Marcos, the head waters of the Cibolo, the Frio, and at or near the Nueces River. A military road should be laid off from the mouth of the Kiamisha Red River to the Nueces River, at the intersection of the road from Bexar to the Presidio del Rio Grande. The protection of the frontier was to be further insured by the erection of forts along this road. As soon as the President might consider it expedient trading houses should be established near the posts, "in order to maintain amicable relations with the Indians." Such part of the regiment as the President should determine might be cavalry, the colonel in command was, if practicable, to distribute the force so that the space between each station should be traversed twice a day.⁶ This bill looked forward to the establishment of a much more extensive system of frontier protection than had yet been attempted. But even this was not considered sufficient, and an act for the further protection of the frontier was passed. Lamar gave it his signature on December 29, 1838. It authorized the President to accept the services of eight companies of mounted volunteers for the term of six months, and to use the troops offensively or defensively as he might think best for the interests of the country.⁷ The third bill became law on January 23, 1839, and gave the President the power to accept the services of three companies of mounted volunteers for "immediate active service

⁵Journal of the House of Representatives, 3 Congress, Regular Session, 311-312.

⁶Gammel, *Laws of Texas*, II, 15-20.

⁷*Ibid.*, II, 29-30.

on the frontiers of Bastrop and Milam counties for the term of six months unless sooner discharged.”⁸ On January 24, 1839, Lamar signed a bill which appropriated one million dollars to be used “for the purpose of raising such forces as the President may deem necessary for the defense of the country, and more effectually to carry into operation the several acts passed by this session of Congress.”⁹

When the regular session of the Third Congress adjourned the new Indian policy was well established, and measures for both defensive and offensive war had been passed. The Fourth Congress considered no further legislation for frontier protection necessary, but when the Fifth Congress assembled at Houston on November 2, 1840, the question again came up. An act was passed, which became a law on December 12, 1840. It authorized the raising of a corps of volunteers to dislodge the hostile Indians on the upper Brazos River. Ten thousand dollars was appropriated for the purpose of purchasing beef for the expedition.¹⁰ On December 26, 1840, Acting-President Burnet signed a bill for raising three companies of spies for the western frontier. The President was required to appoint three persons who should then employ fifteen men each to act as spies on the western and north-western frontier for four months, unless sooner discharged.¹¹ In order to stimulate each county to protect itself against the Indians a bill was passed entitled “An Act to Encourage Frontier Protection,” and was signed by Burnet on February 4, 1841. It gave the settlers on the border counties of Fannin, Lamar, Red River, Bowie, Paschal, Panola, Harrison, Nacogdoches, Houston, Robertson, Milam, Travis, Bexar, Gonzales, Goliad, Victoria, Refugio, San Patricio, Montgomery, and Bastrop, the privilege of organizing volunteer companies of not less than twenty nor more than fifty-six men, rank and file. Only one company could be enrolled in each county, and those belonging to it were to be exempt from militia duty, from working roads, from paying a state, county or corporation poll tax, and the tax on one horse. The captains might detail from their companies when necessary, a number of

⁸Gammel, *Laws of Texas*, II, 78.

⁹*Ibid.*, II, 84-85.

¹⁰Gammel, *Laws of Texas*, II, 638.

¹¹*Ibid.*, II, 475-476.

spies, not to exceed five, to act upon the frontier. Each volunteer in the company should receive one dollar per day while in active service, but no company could receive pay for more than fifteen days on one expedition, nor more than four months during a year. Each man was responsible for his own rations and equipment.¹²

Between 1838 and 1841, the President and Congress co-operated in making every effort possible to defend the frontier against the Indians, and, when it was considered necessary, to conduct offensive campaigns against them.

III. INDIAN WARS DURING LAMAR'S ADMINISTRATION

The inevitable result of the juxtaposition of the white man and the Indian was war. Houston had for a time postponed this calamity by his policy of peace, although even he had been unable to prevent disturbances along the border. But the rapid growth of population in the new Republic was pushing the frontier into the Indian lands. The white man resented the presence of the red skinned savage on lands that might, under the hand of civilization, become fertile fields. The Indian, in turn, was constantly being angered by this gradual encroachment upon property he considered his by every right. During Lamar's administration the friction between the Indians and the settlers reached its climax. The President considered the pacific policy of Houston responsible for the constant Indian disturbances. He believed that the time had come for retaliation, and urged that only by prosecuting a war against the Indians could a lasting peace be secured.¹³ General Albert Sidney Johnston, Secretary of War, was in sympathy with the President's policy and believed that only by thorough organization of the frontier troops could the Indians be held in check. Early in January, 1839, a series of Indian depredations gave an opportunity for trying out the new policy. The prairie Indians were severely punished in a series of unimportant campaigns under the leadership of Burleson, Moore, Bird and Rice.¹⁴ The two most notable Indian troubles during Lamar's administra-

¹²Gammel, *Laws of Texas*, II, 646-648.

¹³Journal of the House of Representatives of the Republic of Texas, 3 Congress, Regular Session, 173-174.

¹⁴William Preston Johnston, *The Life of General Albert Sidney Johnston*, 106.

tion were: the Expulsion of the Cherokees, and the Comanche War. In order to understand the practical working of the new Indian policy it will be necessary to go somewhat into detail concerning these events.

Martin Lacy was appointed agent to the Cherokees, Shawnees and other Indian tribes, February 14, 1839. In his instructions to the new appointee, the President impressed upon him that his special mission at the time was to cultivate and preserve the friendly relations then existing between the frontier inhabitants of Texas and the Indian tribes. The claim of the Cherokees to territory "or even to occupancy" had not been recognized by the government. It was, therefore, of great importance to maintain the friendly relations with the Indians until the land question could be settled. The chiefs should be impressed with the value of a pacific course of action, and should be warned against having any communication with the prairie Indians, whose "atrocious conduct" made any adjustment with them out of the question until "ample satisfaction shall have been obtained for the destruction of our slaughtered citizens."¹⁵ In May the Cherokee situation was becoming acute. Major B. C. Waters with a detachment of soldiers had been stationed on the great Saline in order to prevent any disturbance.¹⁶ His orders from the Secretary of War were to build a fort at that place.¹⁷ The *Matagorda Bulletin* of May 9, 1839, mentions the fact that Major Waters with his recently enlisted company has had time to reach the frontier by that date.¹⁸ The Cherokees protested against Major Waters's occupation of the great Saline, and threatened to make war if the troops attempted to build a fort at that place.¹⁹ The President wrote to the head men of the Cherokees, expressing his surprise at their conduct, and explaining to them the position of the government in regard to their tribe. The government believed that the Cherokees were secret enemies or at best doubtful friends.

¹⁵Manuscript: M. B. Lamar to Martin Lacy, February 14, 1839. Indian Affairs.

¹⁶Manuscript: M. B. Lamar to Colonel Bowl and Other Headmen of the Cherokees, May, 1839. Indian Affairs.

¹⁷*The Colorado Gazette and Advertiser*, July 4, 1839.

¹⁸*The Matagorda Bulletin*, May 9, 1839.

¹⁹Manuscript: M. B. Lamar to Colonel Bowl and other Headmen of the Cherokees, May, 1839; *The Colorado Gazette and Advertiser*, July 4, 1839.

Their villages had been the chief point where the enemies of the Republic had met to make their plans, there existed a secret understanding between the trader Cordova and the Cherokees, and the hostile Indians had been supplied with ammunition by the Cherokees. Because of the above situation the military post was ordered to be established on the Saline, with no intention of interrupting the Cherokees in the enjoyment of their possession, or any of their rights but for the purpose of guarding more effectively against the incursions of the hostile tribes, and of preventing their making the Cherokee settlements their headquarters for conspiracy and refuge. Lamar then proceeded to explain the impossibility of the Cherokees remaining in the Republic as an independent nation. Their removal was inevitable, and although he hoped it could be effected peacefully, he warned them that unless they consented to go the consequence would be "prompt and sanguinary war" which could terminate only in the destruction or expulsion of the Cherokees. He advised the Indians to abandon all ideas of war and to cultivate their crops in peace, and wait until Congress should adjust matters as "duty and honor shall require."²⁰ The writer has been unable to find exactly what reply Bowl made to the President's communication. However, an article published in the *Richmond Telescope and Register*, July 31, 1839, says that

Bowles responded to this letter by saying that he was willing to remove out of the limits of our republic, provided this government would pay for the improvements of his people, a proposition the President acceded to with alacrity, and immediately despatched commissioners for causing the proper assessments to be made, and every arrangement requisite for their departure. The larger portion of the debts thus incurred were to be assumed by the merchants of Nacogdoches and San Augustine, and the balance to be paid promptly in specie.²¹

The commissioners sent to treat with the Indians were: David G. Burnet, James S. Mayfield, Thomas J. Rusk, Albert Sidney Johnston, and J. W. Burton.²² In case the commissioners failed

²⁰Manuscript: M. B. Lamar to Colonel Bowl and other Headmen of the Cherokees, May, 1839.

²¹*Richmond Telescope and Register*, July 31, 1839.

²²*Richmond Telescope and Register*, September 4, 1839. Official Report of General K. H. Douglas to Albert Sidney Johnston, Secretary of War. Nacogdoches, August, 1839.

to arrange for the peaceable removal of the Cherokees, they were to be expelled by force. In order to be prepared for this emergency, Colonel Edward Burleson, then in command of the regular army, was ordered to march with two companies of regulars to the appointed meeting place in the Cherokee territory. Major W. J. Jones, in command of two companies of volunteers, about two hundred in number, was also ordered to the peace conference. General Kelsey H. Douglas with several hundred East Texas militia was put in command of the whole force.²³ When General Douglas assumed command on July 13, there were about nine hundred men at the headquarters camp. Albert Sidney Johnston, Secretary of War, in his report of November, 1839, gives the following account of the efforts and final failure of the commissioners to come to terms with the Indians:

Pending these movements [the assembling of the troops] Commissioners Hon. David G. Burnet, Thomas J. Rusk, J. W. Burton, James S. Mayfield, and myself, appointed at the instance of Bowles, had been engaged for several days in endeavoring to bring about an arrangement, under your [Lamar's] instructions, on an equitable basis for the peaceable removal of the Cherokees. We had been instructed to allow a fair compensation for their improvements, to be ascertained by appraisement, and to be paid for in silver and goods before their removal. The commissioners, in several talks held with them, essayed every means to effect a friendly negotiation, but without success, and at noon on the 15th of July announced their failure.²⁴

General Douglas was ordered to march to the Cherokee camp, give the Indians a chance to submit to the terms proposed by the government, and in case they refused, make an immediate attack.²⁵ When the troops arrived at the Cherokee camp they found it deserted. The Indians had retreated to a strong position near a Delaware village about sixteen miles from Camp Jackson.²⁶ The Texans followed and came in sight of the village on the afternoon

²³John Henry Brown, *Indian Wars and Pioneers of Texas*, "The Expulsion of the Cherokees from Texas in 1839," 66-69.

²⁴William Preston Johnston, *The Life of General Albert Sidney Johnston*, 108-110.

²⁵*Richmond Telescope and Register*, September 4, 1839. Official Report of General K. H. Douglas to Albert Sidney Johnston, Secretary of War. August, 1839.

²⁶*Ibid.*; William Preston Johnston, *The Life of General Albert Sidney Johnston*, 108-110.

of July 15. The Indians opened fire on the advanced guard, and this was the signal for an immediate attack by the troops, which resulted in the defeat and flight of the Cherokees. Eighteen warriors were left dead on the field and a great number were carried away wounded. The Texans had two men killed, one mortally wounded, and six slightly wounded.²⁷ The following morning, July 16, the troops marched in pursuit, and coming up with the Indians near the Neches again defeated and drove them from the field. Johnston says that after the affair of the Neches the Cherokees made no stand against our troops, "but fled with great precipitation from the country, thus terminating this vexed question of claim to soil and sovereignty, which our laws do not in anywise concede to any Indian tribe within the limits of the Republic."²⁸ In his report, Douglas says that the force of Indians engaged on that day was not less than seven or eight hundred. Their loss according to their own estimate was one hundred killed and wounded. Among the slain was their principal chief, "the Bowl." The Texan loss was two killed and thirty wounded—three mortally.²⁹ The army followed the Indians, destroying their villages and corn fields, capturing or scattering their cattle, and killing any warriors whom they were able to overtake.³⁰ On the morning of July 25, scouts were dispatched in every direction to find whether there were any recent trails. All the scouts reported that the Cherokees had apparently "scattered and divided" and that further pursuit would be useless. Accordingly the troops started on their homeward march. Douglas in closing his report mentions the beauty and richness of the Indian Territory through which he had passed on his campaign. He said that the Indians consisting of Cherokees, Delawares, Shawnees, Caddos, Kickapoos, Biloxies, Creeks, Onchies, Muscogeas, and some Seminoles, had established during the past summer many villages and had cleared and planted fields of corn, beans, peas, etc. Their extensive prep-

²⁷*Ibid.*

²⁸William Preston Johnston, *The Life of General Albert Sidney Johnston*, 108-110.

²⁹*Richmond Telescope and Register*, September 4, 1839. Official Report of General K. H. Douglas to Albert Sidney Johnston, Secretary of War. August, 1839.

³⁰William Preston Johnston, *The Life of General Albert Sidney Johnston*, 112.

arations confirmed his belief that the Cherokees were planning to join the Mexicans in a war against the Republic. He estimated that they would have had ample food to supply their thousand warriors and a Mexican force for a year. In conclusion he makes the following suggestion:

With the measures that are being adopted by the War Department for the establishment of a cordon of posts upon this frontier, permit me in conclusion to remark, that an expedition of one thousand men, who shall pass up the Sabine, and thence across to the Trinity and Brasos, and destroy in their march the villages and corn of the Indians in that quarter will not only give us peace from the Indians but quietness from Mexico, who only look to our Indian neighbors as a means of annoyance to us.³¹

With the expulsion of the Cherokees, the question of the Indian land claims was settled. Lamar's policy toward the Cherokees has been severely criticised by Yoakum, who could find no justification whatever for the President's actions. He has presented only one side of the question, bringing out points that seem to prove that the government broke faith with the Indians. It should be remembered that the Cherokees had never been put in possession of the lands promised them by the Treaty of February 23, 1836. This treaty Yoakum says secured the effective co-operation of the Indians and their neutrality. The government of Texas was, therefore, under a moral obligation to put the treaty into effect. He then somewhat inconsistently traces the relations between the Indians and Mexicans and shows that communications were carried on between the two, in regard to making war against the Republic.³² The facts of the case are, that the Cherokees had never received a title to their lands either from the Spanish, Mexican, or Texan government; that they had only received a promise of land in a treaty made February 23, 1836, and never ratified.³³ In regard to the communications between the Cherokees and Mexicans for the purpose of making war on Texas, there seems to be no doubt that such correspondence did exist, but it is impossible to prove how seriously it affected the attitude of the Indians toward

³¹*Richmond Telescope and Register*, September 4, 1839.

³²Yoakum, *History of Texas*, II, 264-281.

³³E. W. Winkler, "The Cherokee Indians in Texas," in *The Quarterly of the Texas State Historical Association*, VII, 95-165.

the government. In a campaign under Colonel Edward Burleson against the prairie Indians in the summer of 1839, Manuel Flores, a Mexican, was captured. On him were found letters from General Canalizo, commander of the Central forces at Matamoras, to the chiefs of the Seminoles, Caddos, Biloxies, Kickapoos, and Cherokees. These letters contained plans of operations to be pursued in a war against the Republic.³⁴ To the government it seemed that after the Cherokees refused to accept the terms of the commissioners, necessity and self-preservation demanded their expulsion.

The Comanches had always been considered dangerous enemies or at best doubtful friends. In May, 1838, a party of these Indians had come to the town of Houston at President Houston's invitation to arrange a treaty. After the negotiation of the treaty, they retired still under the white flag and when still within sight of the town killed two men. Near Gonzales they captured a girl of about fourteen. Shortly afterward near San Antonio they killed six men.³⁵ The Comanches continued to harass the settlements in spite of any treaties which were negotiated with them. Louis P. Cooke, one of the commissioners sent to select the site of the new capital, wrote March 12, 1839, from the frontier to General Johnston:

The people of both the Brazos and the Colorado sections of country are in a continual state of alarm; and I am convinced that speedy relief must be had, or depopulation will necessarily soon ensue. The whole country is literally swarming with redskins. I received an order at Bastrop directing the organization of the militia which I delivered to Judge Cunningham. He commenced his duty immediately. The people, so far as I have had an opportunity of observing, appear quite willing to comply with anything that may be desired of them for the defense of their frontier, or the systematizing of the militia.

Colonel Karnes, commandant of the post of San Antonio, arrived in Houston Saturday, July 6, 1839. He said that parties of Indians occasionally made their appearance in the neighborhood of Bexar, but that they did comparatively little damage except in

³⁴William Preston Johnston, *The Life of General Albert Sidney Johnston*, 107-109.

³⁵William Preston Johnston, *The Life of General Albert Sidney Johnston*, 114-115.

the way of plunder.³⁶ The *Morning Star* of August 1, 1839, says that the reports from the west are gloomy and dispiriting on account of the depredations committed by the Indians and Mexicans upon the lives and property of the citizens.³⁷

January 10, 1840, Colonel Karnes wrote to the Secretary of War, informing him that three Comanches had entered that city bringing with them a Mexican captive. They stated that eighteen days before their nation had held a general council, and had elected a distinguished chief to visit the settlements and treat with the Texans for a treaty of peace on any terms. Karnes informed the Indians that the government would make a treaty only on condition that the Comanches would release all American captives, make restoration for all stolen property, and deliver future depredators to the Texans for punishment. These things had already been agreed to in the Council, the three Indians informed him. They also claimed that their tribe had refused to join either the Cherokees or the Mexican Centralists against the Republic. Karnes says that these statements may be true, but that the "known treachery and duplicity" of the Comanches make him doubtful. However, he treated them well, made an appointment to meet their principal chiefs and a large number of the tribe in twenty or thirty days at San Antonio, and dismissed them with presents. Colonel Karnes suggested that two commissioners be at once appointed to treat with the Comanches. He thought that they should be accompanied by a sufficient force to seize the Indians as hostages for the American captives if necessary.³⁸ In accordance with this suggestion Secretary Johnston wrote to Colonel William S. Fisher, commander of the First Regiment of Infantry, instructing him to march three companies to San Antonio. In case the prisoners were brought in the Indians were to be treated kindly and allowed to depart without molestation, but if the prisoners were not produced the savages were to be seized as hostages. Some of their number were to be sent as messengers to inform the tribe that until the white prisoners were sent in the Indian captives would not be released. The instruc-

³⁶*The Morning Star*, Houston, July 10, 1839.

³⁷*Ibid.*, August 1, 1839.

³⁸Manuscript: Colonel H. W. Karnes to Secretary of War. January 10, 1840. Indian Affairs.

tions further said: "It has been usual, heretofore, to give presents. For the future such custom will be dispensed with."³⁹ Colonel Hugh McLeod, Adjutant-General, and Colonel William G. Cooke, Quartermaster-General, were appointed commissioners to treat with the Comanches. After receiving instructions similar to those given Colonel Fisher, they went to San Antonio to wait for the arrival of the Indians.⁴⁰

In a letter to Lamar on March 20, 1840, McLeod gives an account of all that transpired after the arrival of the Comanches:

On yesterday morning the 19th inst. two runners came into town and announced the arrival of the Comanches, who, about a month since, held a talk at this place, and promised to bring in the Texian prisoners in their camp. The party consisted of 65 men, women, and children. The runners also informed us that they had with them but one prisoner (the daughter of Mr. Lockhart).

They came to town. The little girl was very intelligent, and told us that she had seen several of the other prisoners, at the principal camp a few days before she left; and that they brought her in to see if they could get a high price for her, and if so, would bring in the rest, one at a time.

Having ascertained this, it became necessary to execute your orders, and take hostages for the safe return of our own people—and the order was accordingly given by Col. Wm. G. Cooke, acting Secretary of War.

Lieut Col. Fisher, 1st Infantry, was ordered to march up two companies, and place them in the immediate vicinity of the council room. The chiefs were then called together, and were asked, "Where are the prisoners you promised to bring in to this talk?" One of them, Muke-war-rab, the chief who held the last talk and made the promise, replied—"We have brought in the only one we had; the others are with other tribes." A pause ensued, because, as this was a palpable lie, and a direct violation of the pledge given scarcely a month since, we had the only alternative left us. He observed the pause, and asked quickly, "How do you like answer?"

The order was now given to march one company into the council room, and the other in the rear of the building, where the warriors were assembled. During the execution of this order, the talk was re-opened, and the terms of a treaty directed by your excellency to be made with them in the case the prisoners were restored, were discussed, and they were told the treaty would be made when they

³⁹Manuscript: Albert Sidney Johnston, Secretary of War, to Colonel Wm. S. Fisher. January 30, 1840. Indian Affairs.

⁴⁰John Henry Brown, *Indian Wars and Pioneers of Texas*, 76.

brought in the prisoners. They had acknowledged that they had violated all their previous treaties, and yet tauntingly demanded that new confidence should be reposed in another promise to bring in the prisoners.

The troops being now posted, the chiefs and captains were told that they were *our* prisoners—and would be kept as hostages for the safety of our people, then in their hands, and they might send the young men to the tribe, and as soon as our friends were restored they should be liberated.

Capt. Howard, whose company was stationed in the council house, posted sentinels at the doors and drew up his men across the room. We told the chiefs that the soldiers they saw were their guards, and descended from the platform. The chiefs immediately followed. One sprang to the back door and attempted to pass the sentinel, who presented his musket, when the chief drew his knife and stabbed him. A rush was then made to the door. Capt. Howard collared one of them, and received a severe stab from him in the side. He ordered the sentinel to fire upon him, which he immediately did, and the Indian fell dead. They now all drew their knives and bows, and evidently resolved to fight to the last. Col. Fisher ordered, "fire if they resist." The Indians rushed on, attacked us desperately, and a general order to fire became necessary. The chiefs in the council house, twelve in number, were immediately shot.

The council house being cleared, Capt. Howard was ordered to form in front, to receive any who might attempt to retreat in that direction. He was subsequently relieved of command, in consequence of the severity of his wound, by Capt. Gillen, who commanded the company during the rest of the action.

Capt. Redd, whose company was formed in rear of the council house, was attacked by the warriors in the yard, who fought with desperation. They were repulsed and driven into the stone houses, from which they kept up a galling fire with their bows, and a few rifles. Their arrows, when they struck, were driven to the feather.

A small party succeeded in breaking through, and gained the opposite bank of the river, but were pursued by Col. Wells, with a party of mounted men, and all killed but one, a renegade Mexican.

A single warrior, who threw himself into a very strong stone house, refused every offer of his life, sent to him through the squaws, and after killing and wounding several of our men, was forced out by fire late at night, and fell as he passed the door.

In a melee action, and so unexpected, it was impossible to discriminate between the sexes, so similar in dress, and several women were shot; but when discovered all were spared, and twenty-nine women and children remain our prisoners. . . .

The regular troops did their duty, and the citizens rallied to our aid, as soon as the firing was heard.

Upwards of a hundred horses and large quantity of buffalo robes and peltries were taken.

At the request of all the prisoners, a squaw has been liberated, and well mounted, to go to the main tribe and tell them we are willing to exchange prisoners. She promises to return in four days with our captive friends, and Col. Cooke and myself will wait here until her return.

A list of the casualties shows that the Texans lost seven killed and eight wounded, the Indians lost thirty-five killed, including three women and two children, and twenty-seven women and children and two old men captured.⁴¹

Shortly after the squaw had departed on her errand a party of Comanches appeared under a white flag some distance from town. They had brought several white children whom they exchanged for the Indian captives.⁴²

During the succeeding months the Comanches, anxious for revenge, made a number of depredations on the settlers. However, the fact that these raids were greatly exaggerated and taken entirely too seriously, is shown by an article published July 8, 1840, in the *Austin City Gazette*. The editor begs leave to differ with those of his contemporaries who treat so seriously the various rumors of war and the frequent calls for the militia. He thinks that it does not speak well for the country to be so excited about these various rumors, for "Texas stands upon a proud eminence far above such contemptible enemies as a renegade party of Mexicans or a few disaffected parties of Comanches."⁴³ Another article to the same effect was published in the *Colorado Gazette and Advertiser* on August 1. The editor says that every time a horse is stolen or a pig shot "immediately another Comanche depredation is trumped up and put in circulation, with a thousand appalling circumstances. That these Indians have appeared near Austin once or twice no one will doubt! but that every horse stolen is taken by them; no one should believe."⁴⁴

However exaggerated the reports may have been concerning the Indian raids during the spring and summer of 1840, it is certainly true that the Comanches were planning to revenge their murdered

⁴¹*Richmond Telescope and Register*, April 4, 1840.

⁴²Brown, *Indian Wars and Pioneers of Texas*, 78.

⁴³*Austin City Gazette*, July 8, 1840.

⁴⁴*Colorado Gazette and Advertiser*, August 1, 1840.

warriors, for early in August they swept down upon the settlements in great numbers. On August 4 a large body crossed the road at McClure's hill and took the trail toward the south. This news reached Gonzales on the 6th. Couriers were sent to warn the settlements on the Lavaca and the Guadalupe, and a company of twenty-four men, commanded by Ben McCulloch, started in pursuit of the Comanches. In the meantime, the Indians had reached Victoria, surrounded the town, and, after a short fight with the men, who had hastily collected to defend the town, they retreated, driving before them the horses and cattle on the prairie. The following morning, August 7, the Comanches again attacked the town, but finally retreated across the Guadalupe to Linnville, a small place of only five houses. Most of the inhabitants fled to the bay, where they went on board a lighter. The Comanches had killed up to this time fifteen people at or near Victoria and six around Linnville.⁴⁵ Yoakum estimates the number of Indians at four hundred and Brown at one thousand.⁴⁶ The writer has been unable to verify either estimate.

The news of the Comanche raid spread rapidly and a force of two hundred Texans, commanded by General Felix Huston and Colonel Edward Burleson, gathered at Plum Creek. The Texans made a surprise attack and completely defeated the savages.⁴⁷

In October, 1840, Colonel J. H. Moore organized a force of ninety Texans and twelve Lipan Indians for the purpose of invading the Comanche territory. He attacked the Comanche village on the Red Fork of the Colorado about three hundred miles north of Austin, killed about one hundred and thirty warriors and captured thirty-four.⁴⁸ This battle ended the Comanche incursions for a long time, as it made the Indians realize that war with Texas was unprofitable, and caused them to make raids into Mexico instead of the Republic.⁴⁹

In 1841 two expeditions of some importance were made into the Indian territory. Between four and five hundred volunteers from

⁴⁵Yoakum, *History of Texas*, II, 300-301.

⁴⁶*Ibid.*, II, 301; Brown, *Indian Wars and Pioneers of Texas*, 81.

⁴⁷Brown, *Indian Wars and Pioneers of Texas*, 81-82; William Preston Johnston, *The Life of General Albert Sidney Johnston*, 117-118.

⁴⁸Brown, *Indian Wars and Pioneers of Texas*, 83-84.

⁴⁹William Preston Johnston, *The Life of General Albert Sidney Johnston*, 118.

Red River assembled and organized as a regiment between July 15 and July 20. General Edward H. Tarrant, commander of the militia, assumed command and controlled the expedition, which moved toward the southwest. About the same time General James Smith, commander of the militia in Nacogdoches district, started on a similar expedition with a regiment of militia and volunteers. The Indians fled and scattered as the Texans advanced, so that both expeditions returned without having a single fight. However, the invasion of the Indian territory probably had the effect of holding the savages in check and of preparing them for future treaties.⁵⁰

IV. CONCILIATORY MEASURES

On July 9, 1839, Lamar wrote to the citizens of Liberty County near the Cushatti or Koasati towns and villages, and to the Cushatti Indians, concerning the disturbances which had been taking place between the white settlers and the Indians. He explained, in his letter to the Texans, that disturbances with the Indians should be avoided "if it can be done without compromising the rights of our citizens, or sacrificing our National dignity." The Cushatties, though weak themselves, might join some more powerful tribe unless their rights were protected. He made it clear that it was the settled policy and determination of the government to remove from the Republic those Indian tribes which had no rightful claim to reside in Texas, and he hoped that this result could be brought about without delay or bloodshed. In his communication to the Cushatties, Lamar said that he was sorry to hear that the white men and Indians had been quarreling, and that he believed both parties were to blame. He stated that he had written the whites to abstain from interrupting the Indians again without notifying him, and he expected that the Indians in their turn would conduct themselves with honesty and propriety. If the Indians steal property it must be returned and the offender punished. If any of the white men encroach on the Indians, the trouble must be referred to the Indian agent whom he has appointed. By these means the President hopes that the friendship which has existed for so many years between the whites and the

⁵⁰Brown, *Indian Wars and Pioneers of Texas*, 85-88.

Cushatties may be continued.⁵¹ In spite of this attempt to bring about amicable relations between the citizens of Liberty County and the Cushatties, affairs were still in an unsettled state October 28, 1839, as may be seen by a petition sent to Hon. D. P. Coil. The report stated that the Cushatties, Alabamas, and Muscogeas were without homes and were consequently very troublesome to the whites on whose land they were staying. The citizens of Liberty County asked for their removal elsewhere, and nominated Mr. Thomas Stubblefield to be their agent.⁵² Congress passed "An Act Authorizing the President to Have Surveyed a Reserve of Land for the Coshatee and Alabama Indians," which became a law January 14, 1840. It provided that two leagues of land be surveyed for the Cushatties and two for the Alabamas; that this land should include the villages of both tribes; that a strip of land thirty miles square be surveyed "at some proper point on the frontier" on which all the friendly Indians shall be placed as soon as circumstances shall permit; and that the government shall always exercise jurisdiction over the soil included in the surveys and criminal jurisdiction over the aforesaid Indians.⁵³ T. J. Stubblefield had been commissioned Indian agent to the Cushatties and Alabamas in January, 1840. In his report to A. S. Lipscomb, Secretary of State, Stubblefield stated that he had located the Cushatties and Alabamas on their respective land, with which they appeared to be satisfied.⁵⁴

In the campaign against the Cherokees in July, 1839, the Texans entered the Shawnee village and forced the Indians to surrender their gun locks as a pledge that they would not make war against the Republic.⁵⁵ In consequence of this, the Shawnees came to Nacogdoches, and on August 2, 1839, entered into a treaty with the Republic. The Indians promised to leave Texas peaceably if they received payment for the improvements on their land, for

⁵¹Manuscript: M. B. Lamar to the Citizens of Liberty County, July 9, 1839, Indian Affairs; M. B. Lamar to Colutta, Councillor of the Coshatties, July 9, 1839. Indian Affairs.

⁵²Manuscript: Petition of the Citizens of Liberty County to Honorable D. P. Coil, October 28, 1839. Indian Affairs.

⁵³Gammel, *Laws of Texas*, II, 371.

⁵⁴Manuscript: T. G. Stubblefield to A. S. Lipscomb, November 2, 1840.

⁵⁵*Richmond Telescope and Register*, September 4, 1839. Official Report of General K. H. Douglas to Albert Sidney Johnston. August, 1839.

their crops, and for all property left behind through necessity or choice. The removal should take place as soon as the necessary arrangements could be made. The government promised to furnish supplies and transportation for destitute families.⁵⁶ There is no record of the ratification of this treaty by the senate, but it shows nevertheless the characteristics of Lamar's Indian policy, even when dealing with Indians who were at peace with the government.

V. COST AND RESULTS OF LAMAR'S POLICY

The Comptroller in 1854 estimated that the expenditures on account of the Indians between 1839-1841, was \$2,552,319.⁵⁷ As compared with the cost of Indian affairs during Houston's two administrations this amount is enormous. During the last year of Houston's first term, \$190,000 was expended on the Indians, and during the three years of his second term \$94,092.⁵⁸ Lamar's policy of frontier protection and his vigorous prosecution of Indian wars were the principal sources of expenditure on account of the Indians. The amount paid to agents and commissioners would naturally be small in comparison to the cost of several campaigns.

Lamar's policy toward the Indians resulted in, (1) opening up to the settlers the valuable Cherokee lands in East Texas, (2) in extending the western frontier and rendering it safer for the emigrant, (3) in establishing in Texas the principle of removing the native and friendly tribes to reservations, and (4) in forcing the Indians to realize the growing power of the Republic. Lamar believed that only through an exhibition of strength could the Indians be brought to accept peace on the proper terms.⁵⁹ It cannot be overlooked that the path may have been well paved for Houston's subsequent pacific policy, by the wars prosecuted during Lamar's administration.

(Continued.)

⁵⁶Manuscript: Treaty with the Shawnee Indians held at Nacogdoches, August 2, 1839.

⁵⁷E. T. Miller, *Financial History of Texas*, 25, Note 1.

⁵⁸*Ibid.*, 25, Note 1.

⁵⁹Journal of the House of Representatives of the Republic of Texas, 3 Congress, Regular Session, 173-176.

THE BRYAN-HAYES CORRESPONDENCE

EDITED BY E. W. WINKLER

V

BRYAN TO HAYES

Dear Rud:

Galveston, July 1st, 1873.

It has been very long since I have heard from you. I fear that the terms used in my last about those who have ruled over the South gave offence. I did not mean to offend and if I gave offence I regret it, for I do not write and have not written to give you offence. I send you to Cin. and your uncle to Fremont a pamphlet containing proceedings of "Texian Veterans" including my address to them at Houston on 14 May last. You will see from that, my political views as to our situation, and what I say to the public. My influences as exerted upon the masses are conservative. I can truthfully say that all I have said and done since the war has been of that character. Yet, when I have written to *you*, I have spoken plainly and truthfully with the hope of effecting some good, for the oppressed. Look now at Louisiana, South Carolina and other States; their condition is deplorable; scarcely hope is left them. Can you of the North look with indifference on these white people, forced by a power they do not wish to resist to social equality, degradation and amalgamation? My God my heart sickens at the future. I will not dwell on what must be harmful to *both*.

I want *you to know* that, I *feel* your silence. If you really mean indifference, of course let it continue; but if your heart beats truly as ever, then I want our correspondence to continue. I am as I have ever been. I rec'd sometime ago a slip from a newspaper containing notice of Al Buttles' death. Write me about it. Poor Al, how bright once and once so dear to me as we climbed the hills around Kenyon. Fay too is gone. You the best beloved of all is still here; so am I, but broken in health. Rud we were in the same class for four years. Let's cling closer, and cultivate more tenderly these noblest affections of our natures. My heart, and I believe yours, warms up as disinterestedly to each other as when we were boys together.

With affectionate regards to your wife and children, and to that noble old man, the pure in heart, my old friend, your uncle, give my love.

As ever yours

Guy M. B.

BRYAN TO HAYES

Dear Rud:

Galveston, Sept. 15th, 1873.

I was glad to get your last, some time since, and should have answered sooner; but from what you say in regard to correspondence I suppose you have not expected an earlier reply. It seems to me that your situation of "independence" is one that would suit your views and feelings. Now that you are the regulator of your own acts, thoughts and feelings, and not by party or the public, it gives you the opportunity of speaking out in favor of reform and purification in public affairs. The condition of the South would be a noble theme for you if it should be congenial to your feelings. In Texas, we hope before long to have once more an honest judiciary and honest officials generally. We should have been swamped here as they have been in Louisiana and other States, but for our great recuperative powers, and the good sense of some of our leading Southern men in Texas. My views are conservative and have been all the time.

I notice what you say in regard to Texas history, and documents of early times. I shall try and prepare something as you suggest in regard to the times of St[ephen F.] Austin and send to you for publication in the periodicals as you propose.

The yellow fever is not in our city although a great scare has been gotten up about it. It is bad at Shreveport and is increasing in N. O. but is not an epidemic there as yet.

My children are well and my own health is improving. Give my love to your Uncle, my dear old friend; may his days be long with you and may each of you enjoy the society of the other more and more. I am glad that he and you have found the congenial work of founding and completing the Birchard Library. I should like much to feel that we are to each other as we have ever been, and that our letters will be more frequent. *You shall regulate our correspondence.* Present me affectionately to your wife. I have always retained her appearance be-

fore me as she was, when I last saw her in Cin. 1856. Your brother-in-law Doc Webb, where is he and what doing? To your children teach them as I do to remember the friend of their father.

We are about the beginning of our State elections. The Democrats will sweep the State from 40 to 60 thousand unless fraud, cheating and force are used to prevent. Banning Norton³⁰ is on the Republican ticket for Superintendent of Common Schools.

Yours affectionately as ever

Guy M. Bryan.

BRYAN TO HAYES

House of Representatives,

My dear Rud: Austin, Texas, Feb. 1st, 1874.

I have this moment received with a large mail your letter of the 26th ult., announcing the death of your uncle. My old friend and a man I *loved*. A pure man a good friend. He lived a long life, was useful and blessed. I am glad you and your family were with him months before he died, and that his last days were passed in the bosom of your family. I am sad at his death, but I feel that an upright man has passed on by and will receive such reward hereafter as is allotted to the good and just in this life, and that he died in green old age. *You* will miss him more *after* his death, and *time* will show the necessity of his presence to the full measure of your happiness. I feel this every day in my own case in regard to *her* who was my light and life.

You refer to my entrance into public life, and election to the speakership. The first was forced upon me, and the latter came without the slightest electioneering on my part with unanimity on part of the members. This was very gratifying, and is and will be a green spot in memory.

You say in your letter "I may say that there is no division of opinion here as to the course of your late Governor. It seems to us to have been grossly ill judged. Of course our information about it, is of the meagerest sort." I do not know that I understand you, but if you will write me your views on receipt

³⁰Anthony Banning Norton was a graduate of the class of 1840 of Kenyon College.

of this, I will give you a fair and just account of what transpired.

Every effort was made with Gov. Davis to induce him to avoid the unpleasant results that followed, but he was influenced by bad and unscrupulous men who had every thing to gain and nothing to lose in trouble and disturbance. I went with the Joint Committee that waited on him, and I know of what I speak. Had Davis been left to himself I think his actions would have been different. The Legislature was perfectly willing to let him hold over until the 28th of April next, the time he claimed that his office expired; not that we thought he rightly claimed this, but because the Constitution provided that the Gov holds over until his successor is qualified. His term of office commenced upon the date of his election and expired in last December.

Give my love to your wife and children and regard me as ever

Your friend

Guy M. Bryan.

HAYES TO BRYAN

My Dear Guy:

Fremont, O, 22 June 1874

I have been on the point of writing to you many times of late. But since the death of Uncle Birchard a variety of calls have led me to postpone it. I hope I am not too late to reach you before you go on your summer travels. It would give me and my wife a great deal of pleasure to have you come with any or all of your children, and spend the hot weather with us. We are, you know, near several of the best of the summer resorts. You can make headquarters with us and go and come as you please to the Islands in Lake Erie, Niagara, St Catharines, Upper Lakes &c &c We are all in good health, house room, servants &c &c. The money panic brings to us some inconveniences, but on the whole we are prosperous and content. Do not take this as a merely formal thing. As I get along in life, old times, old friends, and all things belonging to the younger part of life grow dearer and nearer. We can have a good jolly time together I know, and our little folks as well. I hope you have made no other arrangements and that within a few weeks you will come North.

My oldest son will graduate next week at Cornell University. My second is at the same place just closing his Sophomore year. The third is well grown, but is not a healthy lad—not absolutely an invalid, but he gives us some anxiety about his future. The three smaller ones are all fine promising children. Let me hear from you, and believe me

As ever your friend

R B Hayes

BRYAN TO HAYES

Dear Rud:

Galveston, Sept. 4th, 1874.

Your letter came and was considered by me after I had returned from a trip into the interior of the State. I was there taken sick and after recovery again had to leave home. I am again at home and have reached my decision as to your very kind and affectionate invitation to visit you with my children. I have hoped since the receipt of your letter that I might myself run up this month and remain in the North until middle of Oct., but now I see no chance of doing so. I appreciate your invitation as the evidence of that old time feeling so dear to me. Like yourself I value such feeling and especially with those I loved and trusted most in the halcyon days of youth. I have always regretted that my old college friends were not citizens of this State so that we could often meet and exchange greetings.

My children are four. My oldest, Willie, left for school on yesterday. He is at the Military Institute at Austin, is fifteen next Jan., full of life, energy and fun, nearly as tall as his father now. My next, Laura, (her mother's name) is a good intelligent girl of 11 years; and the next (and my pet,) Hally, is a little sparrow, fair, blue eyes and light auburn hair of six years, next 10th of Jan; and my last, born two weeks before his mother's death, named by her after me immediately on his birth, is my noblest looking child and much like his mother in eyes, complexion, shape of face and disposition. They are all well and in charge of their grandmother and Aunt (Mrs. Ballinger) doing as well as children can do without a mother. They and I live with Mr. Ballinger. I have a room in the house and it is my home.

I regret much to hear of the uneasiness that the delicate health

of one of your boys gives you. You have been fortunate in your children and I sincerely desire that you and your wife will long be spared suffering on their account. Care and anxiety is the lot of parents however, and when it comes we must teach ourselves to endure.

Would not a trip to Texas benefit your son, or would it not be a good idea to place him at school at Austin with my boy. Can't you make investments in Texas that would pay you to go over it and place some of your means for the benefit of your sons in our lands. If so could you not bring your son with you and the change of climate might do him good. The Legislature of Texas meets in Austin on 12th of Jan. next (my birthday); I will be there as a member (and speaker) if I have health to go.

Strong efforts were made to get me to consent for my name to go before the Congressional Convention for nomination but I would not consent. I really did not desire the place and I am not well enough off in worldly goods to fill it, and I wish to be with my little ones.

Present me affectionately to your wife and children and regard me always as of yore. Truly your friend,

Guy M. Bryan.

HAYES TO BRYAN

My dear Guy:

Fremont, O. 2 Jan'y 1875

Your letter of the 19th came duly. After some search and inquiry I do not find a copy of the new Constitution which was defeated in August last. I have a number of copies carefully laid away, and will surely get one soon. I hope also to obtain a copy of the Debates for you. I go to Columbus on Wednesday to attend a meeting of our State Board on the Centennial Exhibition at Philadelphia in 1876, & shall probably get them then. Our defeated Constitution was no doubt a pretty good one, but we had a pretty good one already. This fact with the unpopularity of the late Convention, caused mainly by its greatly protracted session and tedious discussions, worked the overwhelming defeat of the new paper. I thought it a slight improvement on the old one, and did not vote on its adoption

at all. If I had felt interest enough in the question to go to the polls I should probably have voted for it.

It seems to me that the most important thing in Texas, as everywhere else, is *Education for all*. I, of course, don't believe in forcing Whites and Blacks together. But both classes should be fully provided for. I recognize fully the evil of rule by ignorance. I see enough of it under my own eyes. You are not so much worse off in this respect than New York, Chicago, and other cities having a large uneducated population. But the remedy is not, I am sure, to be found in the abandonment of the American principle that all must share in government. The Whites of the South must do as we do, *forget to drive and learn to lead* the ignorant masses around them. But I will not argue. You and I are now nearer together than we have been since our boyhood. We shall probably soon vote the same ticket. But not if you continue to indulge a hope that slavery is in some form to be restored. That is surely not to be.

We are all in health and are together enjoying the holidays. My visits to Texas must be postponed a few years until the two little ones are larger. Did I send you their picture? If not I will.

In planning for next summer, don't forget that here is a home to which you will be warmly welcomed.

As ever

R B Hayes

BRYAN TO HAYES

Dear Hayes:

Galveston, Jan. 8th, 1875.

I have just received yours of the 2nd. I am obliged to you for your intentions in regard to the copy of the "rejected Constitution," and debates thereon. I suppose our Legislature will call a Convention. But in consequence of what has been done in Louisiana I would prefer that it should be postponed until after the Presidential election, for it is apparent to me now that if they can, the Republicans (for party purposes) will excite the Northern people against the South, on the ground that the negroes will not get justice unless the soldiery interfere. There is *no desire on the part of the South to put back the negroe into slavery or its equivalent*. What is desirable for both sections is,

that *intelligence* and *property* should have their proper weight in government. *Ignorance* and *vice* have so long dominated in the South, that the people are nearly ruined. All concur in the opinion that the negroes are *citizens*, that they are entitled to protection, and that they *must have it*. But we want *good government*, for their sakes as well as our own. *They* do not know how to *govern*, and have been used for the purposes of designing and selfish men. It would be far better for the negroe that the intelligent tax paying citizens should govern; it would be better for society and the prosperity of our section and yours.

If any one tries to produce the impression on your mind, and on that of the Northern people, that the idea of the Southern people is to degrade the negroe, you may be assured Rud that it is for party purposes or selfish objects. Texas is doing all she can to elevate the negroe; it is for her interest to do so. We have schools throughout the state and no discrimination shown between colors, except to keep them in separate schools. We appropriated last session \$500,000 for this purpose, and if let alone in time we will complete our school system just what you say we ought to do. The system now is defective for both colors, not more to the blacks than to the whites; but as we work under it, and *by its working* ascertain the defects, we will improve the plan until we have one that will meet the wants of both races. I agree with you and so do the intelligent white masses that we must *lead* the negroe, and help him upward for our own good. If the negroe is let alone, the whites of the South know him best and will manage him rightly for his improvement and their good. You did not send me the pictures of your children. I would like to get them.

I thank you for your warm invitation to visit you and when I can do so I will. I am sorry that you can't come South and to Texas. I am glad Platt will. He will go back with different views as to Southern people.

If I am not at home when Platt comes tell him to go to Balinger & Jack's office; he will find one or both there; and present the letter I enclosed to him. If the Legislature is in session I shall be in Austin, where I will be glad to see him and present him to my friends. You know I called with you to see

him when I was in Columbus. I have never ceased to regard him with the feelings of my youth, when he so kindly treated me as your friend and guest at Columbus. Your sister I have cherished in memory, and can now see her in my mind's eye as she appeared when at home, treating me with the utmost kindness and affection. Give my affectionate regards to your wife and always speak of me kindly to your children.

Yours,

Guy M. Bryan.

P. S. My brother Austin enclosed your letter (to him) to me. I thank you for your subscription to the old veterans. I think with you on this subject of collecting the material of the past for history from the actors of those days.

BRYAN TO HAYES

Dear Rud;

Galveston, Texas, June 24th, 1875.

I have yours of this month, informing me that you are in the field of politics again. I do not regret this for your sake, but [am] especially glad for that of the country. If you will take the course you indicate (*and which I strongly urge you to do*)—"that the era of good feeling *has come*," that the *white* people of the South are the brethren of the Northern people, with whom there is and must ever be the strongest natural ties, as well as those of interest and identity in government; and that the *negro* now must be let alone to work out his future with the people with whom he lives and that there must be [no?] farther interference on the part of the general government in his behalf, but his condition and relations must be left with the superior race in the States where his lot is cast; and that the general government and people of the North must do all they can to restore confidence between the people of the two sections, and make the Southern people feel that the government is an equal one for *all* the States, and not one of the North only. I predict if you are successful in your race you will be the nominee of your party for the next presidency. I predict also, leading off as you will on these high principles of fraternity and equality, and advocating, too, strongly and with powerful argument the necessity and advantages of *local government* as founded by our fathers and known as *State Rights* (I

do not mean *secession*, nullification, etc.), you will be most gratefully remembered by the South. *You* now have it in your power more than any other man, by a proper course, to form and ride the crest of the great tidal wave of reform that can sweep over the country. You can make not only a good name, but be regarded as a benefactor to your country. Ask Platt and Gen'l Mitchell what they saw in the La. Legislature, and then pause and ask yourself if the North has done right in imposing such a government on the South, and whether she ought not now feel it a high duty to make amends. "The South has been carried by carpet-baggers and others, who, yoked to the negro element, have pitted themselves against resident intelligence, and kept those States in a constant broil. Taxation has been murderous, and corruption the rule; and no matter how sound our financial policy may become it will not cure all our ills until the South is at peace, her industry thoroughly and beneficially reorganized, the mercenary scoundrels, who have fattened on her troubles, expelled by force of public opinion north, and the political elements of the sections reconciled to each other. So long as there exists in the South a well recognized and powerful class of men, whose interest it is to keep up the dissensions between the two races, there can be no peace." So writes a Northern man, and I agree with him; so would I have you to think and speak in this canvass and let your speeches be published in the Tribune, Herald, and Sun of N. Y. Picture such a course, and you will be hailed as a benefactor North and South. And you seize the opportunity of greatness now "forced" upon you. Make, Rud, the *most of the opportunity*. I tell you it is a *great one*, and it can be offered only to one of your side to make the most of it. As to the "Catholic question," I am afraid you may hurt yourself on this, unless you are very thoughtful and discreet; the danger is in running into *religious intolerance*, which you know is opposed to the settled convictions of the American people. If you can strike the Catholics in their vulnerable parts, and avoid exciting the cry of *intolerance*, you may steer your craft through the rocks. I call your attention to this as meriting your especial care and profound consideration during the whole canvass. I of course however know nothing of the local feeling on the question you refer to, and perhaps I am but a poor judge from my standpoint. Yet, I fear it is but the beginning of

a religious crusade in politics the effect of which I cannot see but fear. My feelings of course are with the Democratic party, for that party only has given the South (since the war) encouragement and hope. To the success of that party the South looks for its equality in the Union, and for a just administration of the government; it does not expect it from the Republican party because that party has by its antecedents showed greater love for the negro and carpet-baggers than for the intelligent taxpayer of the South. Individually, aside from party, my feelings are with *you*. Of course I am in hopes your course in the canvass will be such as will excite the admiration and approval of all thoughtful and good men in the South.

I thank you sincerely and appreciate fully your kind invitation to visit you during the summer, such a visit would do me great good, but I fear I cannot make it. You mention Al Buttles' widow and daughter. I hope they have been left in comfortable circumstances. How is Al's sister whom I met at St. Catharines with her sick husband; is he still an invalid? I was delighted to meet Platt and Gen. Mitchell at Austin last winter. Present me most kindly to your wife and children. Write about each child so that I can know them. As ever your old friend,

Guy M. Bryan.

HAYES TO BRYAN

Fremont, O.

27 July 1875

My dear Guy:

I send you a copy of my campaign speech to be delivered next Saturday. It was prepared under great difficulties. Two of my children were down with scarlet fever. One is still in bed but we hope slowly recovering.

Thinking of you I put in a word about Texas. As to Southern affairs "the let alone policy" seems now to be the true course; at any rate nothing but good will now exists towards you. The future depends largely on the moderation and good sense of Southern men in the next House of Representatives. If they are like Lamar of Mississippi all will be well. If like Preston of Va. all will be "fuss and fury" for a time. But I think we are one people at last for all time.

As ever

R. B. Hayes

P. S. There are no decisive indications of the result of our election yet visible. Personally I am as indifferent as ever a candidate was.

BRYAN TO HAYES

Dear Rud:

Galveston, Oct. 18th 1875.

I have been away from Galveston most of the summer and if you sent me your speeches I got only one of them—the one opening the canvass. I was glad to see in this that you pursued a liberal course on the sectional question and I trust you kept it up during the canvass. Your views on finance I frankly admit I am not prepared to favor or assent to; it is a question that has not as yet been discussed or understood here. I may say the same as to the Catholic question. Your memorial speech was received here and read by my sister-in-law Mrs. Ballinger who told me its substance. I was away from home, it was sent me, but I did not get it. So much in regard to your speeches.

Here we don't know yet whether you are or Allen is elected Gov. Personally I am with you—politically with Allen. If you are elected, remember what I said to you in regard to the Presidency. Keep this in mind and let your inaugural speak for it, in this—let your broad and liberal views bring it to you. The South expects the honest Soldiers of the North to be honest, and do not ask that they “apologize,” on the contrary to say they believed they were right and fighting in a good cause. We only ask that we of the South be thought the same and [that we] were equally honest and are now worthy to be associated as equals with the people of the North in the government. We have one and the same government and under it let's live in *peace*. Let this be your motto and course my friend and it will raise you up friends in the South.

Write me and if you have any of your speeches send them to me. Sincere regards to your wife and family.

As ever your friend,

Guy.

HAYES TO BRYAN

My dear Guy:

Fremont, O, 1 Nov 1875

Thanks for your kind note. I can agree without qualification to all you say. I was so hurried to make my canvass complete that

I had no time to prepare speeches after the first. It was my poorest, or one of the poorest. But on the subject of the points in your letter, there was nothing different from the one you saw. Indeed the last forty speeches were almost exclusively on the two questions—the money & the schools or Catholics.

My family are all well. Birch is at the law school in Cambridge. Rud is at Agricultural College of Mich. near Old Trow's home. Webb is at home running our place.

Sincerely

R. B. Hayes.

BRYAN TO HAYES

Dear Rud:

Galveston, Dec. 13th, 1875.

I am glad to know from your last that you agree with me, and I do hope that the day is not very distant when we may occupy common ground relative to the great interests of the country.

Judge Ballinger who is an old Whig like yourself, (and one of our ablest statesmen and lawyers, and feeling a warm interest in your future,) and in whose house I have my own and children's home, agrees with me that you occupy a first rate position as the available man to be the nominee of your party for the Presidency.

Permit me to speak freely to you on this subject. Do not seem to seek the candidacy, but at the same time guard, present and shape your record in reference to this probability.

Grant, in his message, says that at a *remote* period an educational qualification in suffrage would be desirable. You can appropriately in your inaugural, in alluding to your past canvass on education, say that the present or an earlier day than that named by Grant is better for this qualification for it would greatly stimulate education, be protective, etc., etc. Also say that the time is auspicious for the inauguration of a *Monroe Era* in politics; be particular to use the term "Monroe Era" for it is—so significant; and while you say this modestly, so say it that the reader by his own ratiocination will conclude that you are the Monroe to inaugurate this era of good feeling in politics.

Grant is too much like most of the West Pointers that I have known, who from long sucking of the public teat in a pecuniary way, become loose about public expenses and money; this is the general opinion. Therefore, you should speak strongly for an

honest and economical administration of government and civil reform, and that an iron hand should be laid on all kinds of official corruption. In short, so speak as to convince the country that you are honest, and would have an honest administration. The people hunger after good government, and the man that impresses himself upon them as endowed with the qualifications that would give *such* government, will be the strongest for the Presidency.

Tilden in New York has obtained great character for his attacks on stealing rings. I do not know enough of your affairs in Ohio to say whether you can make similar efforts, but if you can, do not fail to make the most of the opportunity.

These points properly presented by you in connection with the broad anti-sectional—national views, which I hope you will take in your inaugural, will be ten strikes for you.

Of course I say these things *sincerely* for *your* advantage, on account of my personal regard and interest in your future. I make them from my standpoint, and from what I know and believe to be the leading ideas that would move the thinking masses of *our* country.

I need not say here that I am Democratic from principle; *principles* not names govern me. Good government is what is needed throughout the country, and especially important to the South; bad government has prostrated not only her national interests but has greatly effected society itself. You have a great field before you, think and act wisely in reference thereto.

I have noticed your reply to some one writing from Philadelphia to know whether you are a candidate, etc. I admire your epigrammatic reply.

Sincere regards to your wife and children and to Platt.

Sincerely yours,

Guy M. Bryan.

P. S. Send me several copies of your inaugural. Our Convention has adjourned but has failed in making an acceptable Constitution. It may however be adopted by the people, as all the officers under it are to be elected at same time. The people vote for or against it. Ballinger was in the Convention but voted against adopting the Constitution when it was as a whole submitted to the Convention for its final vote.

NEWS ITEMS

In the *Houston Post* of June 25, 1922, Sam H. Dixon gives an account of the meeting at Point Isabel, March 11, 1865, between General Lew Wallace and General J. E. Slaughter and Colonel John S. Ford, and republishes the conditions proposed by General Wallace for terminating the war and for restoring the Trans-Mississippi Department to the Union.

Some facts concerning the brief visit of Luis Aury, temporary military governor of the Province of Texas, to the Island of Galveston in 1816-17 are set forth in two Aury letters published in the *Galveston News* of July 2, 1922. The originals of these letters and other Aury manuscripts are in the Library of the University of Texas.

The Register of the Collector of the Port of Galveston for the years 1838 to 1846 is described, and a summary of a portion of its contents set forth, in an article in the *Galveston News* of July 9, 1922.

An article on Edward Hopkins Cushing, by Charles L. Martin, that appeared in the *Galveston News* of July 30, 1922, adds some facts to the sketch published in *THE QUARTERLY*, XXV, 261-73.

Mr. J. M. Winterbotham of Galveston presented to the University of Texas Library and to the Rosenberg Library manuscript copies of a "History of the Lea Family," written by Albert Miller Lea of Corsicana, Texas, in 1879. An abstract of this history, and a photograph of the tombstone of Lieutenant Commander Edward Lea of the Harriett Lane, are published in the *Galveston News* of July 30, 1922.

The Dallas Historical Society was chartered August 15, 1922. The incorporators are Rhodes S. Baker, George B. Dealey, Edward Titche, C. B. Gillespie, and John Wynne Barton. Its purpose is the discovery, collection, preservation and publication of historical data and records pertaining to the city and county of Dallas. Pat Beaird of S. M. U. is secretary.

Some reminiscences of Charles Adolphus Sterne, son of the

pioneer of the same name, appeared in the *Galveston News* of August 20, 1922.

Beginning July 16 and ending August 27, 1922, the Sunday edition of the *Galveston News* published a story by Dr. J. O. Dyer, entitled "Robinson Crusoe of Texas Coast." It is now publishing his "Lafitte Camp Ruled by Justice."

On September 2, 1922, a charter was issued to the Native Sons and Daughters of Texas. The organization is sponsored by citizens of Waco, and one of its objects is to stimulate interest in the history of Texas.

"The Attack on Corinth," by Clint Parkhurst in the *Palimpsest* for June, 1922, published by the State Historical Society of Iowa, describes with much detail the attack on Fort Robinett, which was featured by Colonel Rogers' daring charge. A long excerpt from the diary of an Alabama officer furnishes a contemporary Southern account of the charge.

The centenary of the birth of R. B. Hayes, October 4, 1922, will be observed by the Ohio State Archaeological and Historical Society by an elaborate program at Spiegel Grove, and by the publication of the first volume of the *Diary and Letters of Rutherford B. Hayes*. This volume will contain the diary of his visit to Texas in 1848-49.

Deaths of prominent Texans: Martin Dies, former congressman, at Kerrville, July 12, 1922; J. M. Carlisle, former state superintendent of public instruction, at Arlington, July 14, 1922; George T. Jester, former lieutenant-governor, at Corsicana, July 20, 1922; Adolf G. Eisenlohr, in charge of the U. S. Weather Bureau, at Dallas, July 21, 1922; Dr. B. Bunneymeyer, in charge of the U. S. Weather Bureau, at Houston, September 1, 1922.

Mrs. Mary D. League died at Galveston, July 31, 1922. Mrs. League was a daughter of Samuel M. Williams.

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ST. DENIS'S DECLARATION CONCERNING TEXAS IN 1717¹

CHARMION CLAIR SHELBY

INTRODUCTORY²

By the end of the seventeenth century colonial rivalry between England, France, and Spain in America had become intense. The claims and activities of Spain and France came into conflict especially in the Texas region and about the mouth of the Mississippi. La Salle's ill-fated expedition of 1684 caused the greatest alarm in New Spain and thoroughly aroused the officials to the French menace. In 1690 the temporary missions on the Neches River, in East Texas, were established, and in November, 1698, Pensacola Bay was occupied, just in time to prevent it falling to the French, who arrived a few weeks later and established the adjacent rival post of Biloxi. However, because of the accession of the Bourbon, Philip V, to the Spanish throne and the close alliance which was thus formed with France, active hostility in America ceased for the time being. Colonizing activity languished, and no steps were taken by Spain to refound the missions in East Texas, which, because of Indian troubles, had been abandoned in 1693.

During this period of neglect, French trading and exploring activities among the Indians increased, and there was general unrest among Spanish subjects on the frontier. The northeastern

¹A paper prepared for Dr. C. W. Hackett's seminar in Southwestern History at the University of Texas.

²Unless otherwise stated, this introductory note is based upon Bolton, H. E., *The Spanish Borderlands* (New Haven, 1922), pp. 207-231.

outpost of New Spain by 1701 was San Juan Bautista, on the Rio Grande, at which place there were three missions and a presidio. Between this and the French settlements in Louisiana the vast, unexplored area of Texas intervened. This the adventurous frontiersmen at San Juan Bautista desired to penetrate, but the authorities would permit no steps toward permanent occupation.

Among those who were especially anxious for the reoccupation of Texas was Father Hidalgo, a Franciscan, who had been at the East Texas missions between 1690 and 1693, and who wished to return there to work among the Indians. However, his many petitions to his superiors and to the government officials were refused. At last, in 1711, he wrote a letter to the Jesuit missionaries of Louisiana and the next year another to the French governor at Mobile making inquiries concerning the Asinai, or Tejas, Indians. This method was adopted to create a situation which had always in the past been an effective means of securing official action, namely, the danger of foreign aggression. The French in Louisiana, upon more than one occasion, had, contrary to Spanish law, attempted to open up trade with New Spain, but theretofore they had been unsuccessful. Hence the advances made by Hidalgo in one of the letters, which finally fell into the hands of Cadillac, the French governor of Louisiana, were eagerly met.

Cadillac at once sent Louis de St. Denis, an experienced trader and explorer, with instructions to establish a trading post among the Tejas Indians, find Hidalgo, and discover the possibilities for trade with New Spain. In his commission, however, no mention is made of the latter purpose. St. Denis left Mobile in 1713, and in the latter part of the year founded the post of Natchitoches on the Red River, in the present state of Louisiana. Not finding Hidalgo in this region, as he had expected, he proceeded in the spring to the Rio Grande, reaching it in July, 1714. Upon his arrival at San Juan Bautista, Captain Diego Ramón, head of the flying squadron stationed there, seized the goods brought by his party and detained St. Denis until the orders of the Viceroy should be received. He was summoned to Mexico, arriving there in June, 1715,³ and after being questioned at length upon the pur-

³See Clark, R. C., "Louis Juchereau de Saint Denis and the Reestablishment of the Tejas Missions," in *Texas State Historical Association, THE QUARTERLY*, VI (Austin, 1902), p. 14.

pose of his expedition, and warned against engaging in contraband trade, he was offered the position of guide to the expedition of soldiers and missionaries that was to be sent out. This promptness on the part of the authorities in reaching the decision to reoccupy East Texas quite justified Hidalgo's confidence in the effectiveness of his method.

The purpose of this reoccupaton, coming as the direct result of St. Denis's trading expedition, was to erect Texas as a buffer province against the French. The succeeding period up to 1763 marks the time of the most intense colonial rivalry of European powers in America, a rivalry which had its effect in Texas, as elsewhere. The expedition, headed by Captain Domingo Ramón and consisting of sixty-five persons, left San Juan Bautista on April 26, 1716, guided by St. Denis. Arrived among the Tejas tribes, six missions were founded near the sites of the former ones, and the presidio of Nuestra Señora de los Dolores was also established.

From here St. Denis went on to Mobile, where he remained until the first of October, returning with more goods to the Tejas in December. Here he remained until March, 1717, when he again set out for the Rio Grande, arriving at the presidio of San Juan Bautista the 19th of April. His goods were seized by Diego Ramón, and he himself went on to Mexico to see the Viceroy and ask for their release. He claimed that the goods seized consisted only of his personal property, which he was bringing in order to settle on the Rio Grande as a Spanish subject, since he had married the granddaughter of Diego Ramón at that place.⁴ The sincerity of this contention may well be doubted, for the many charges made against him, involving the Ramóns and other officials in Texas and on the Rio Grande, give evidence of the existence of a very profitable contraband trade which was carried on with the tacit consent, if not with the actual connivance, of these officials.⁵

"Page 172 in the following "Declaration."

"Carta [de Oliván al Gobernador Alarcón, San Juan Bautista, 5 de Junio de 1717]," in *Testimonio de Diligencias hechas por El sor Dn Juan de Oliván Contra Las Personas de Nacion francesas sobre la Yntroducion de Mercansias que de la Mouila y Masacra han hecho a la Prouia de Quahuila*, folios 20-25. A. G. I. Mex., 61-6-35. Transcript in the University of Texas collection.

In Mexico City, St. Denis was arrested; later he made a declaration before Juan de Oliván, the official who was appointed by the Viceroy to make an investigation of the whole matter. This declaration, a translation of which follows, constitutes a first hand description of Texas as St. Denis saw it in the course of his various expeditions.

DECLARATION OF ST. DENIS⁶

In the City of Mexico on the first day of the month of September, 1717, Don Juan de Oliván, of the Council of his Majesty and *oidor* of this royal audiencia, being, as the result of the nomination made by the Most Excellent Señor, the Viceroy of New Spain, in the government prison of this capital for the purpose of this proceeding, caused, by verbal order made before me, the present sub-secretary of government, to appear before him Captain Don Luís de San Dionis [Louis de St. Denis], a prisoner—also by verbal order of His Excellency—in the said prison. Having taken the oath, which he [the prisoner] made before God, our Lord; having made the sign of the cross, according to legal form, under charge of which he promised to tell the truth; and being questioned according to the interrogatory which the said Señor submitted to him, he spoke as follows:

To the first question he said that he is a native of Quebec, capital of New France, where resides a Governor-General with a Parliament,⁷ composed of thirty-two members, and an Archbishop,

"Declarason de sn. Dionis [Mexico, 1 hasta 18 de Septiembre de 1717]," in *Testimonio de Diligencias*, etc., folios 34-62.

Probably the superior council is meant, although it does not seem to have had as many as thirty-two members. "The governor . . . was in control of both the civil and military administrations . . . and reported directly to his sovereign. With the governor were associated the intendant and the bishop. . . . These three autocrats, who were the actual rulers, except when interfered with from Versailles, had associated with them a body of resident councillors—at first five, later twelve—appointed by the crown, usually for life, upon the nomination of the governor and the intendant. The three chief officials, who of course dominated the body, united with these men in forming the superior council, which exercised executive, legislative, and judicial powers, the only appeal from their decisions being to the home government."—Thwaites, R. G., *France in America* (New York, 1905), p. 129. See also Parkman, F., *The Old Régime in Canada* (Boston, 1884), pp. 264-275.

with an ecclesiastical cabildo,⁸ to which is suffragan the church of the city of Montreal, where resides a Bishop with a cabildo. [He said] that Montreal is a little smaller than Quebec, and that in number of inhabitants, Quebec is a little smaller than Mexico. [He said] that his nation is France; that his religion is the Apostolic Roman Catholic. He is thirty-eight years of age, and has been a soldier by profession; also he has held the position of captain of fifty men in the Castle of San Juan on the Rio de la Palizada,⁹ in the exercise of which he has served the Most Christian King in peace and in war against the Indians; [he said] that it was he who forced peace upon those who reside on the Rio de la Palizada. He is married to Manuela Sánchez, a Spanish subject of Rio Grande del Norte. His residence is at the presidio of San Juan,¹⁰ where he is a citizen. He does not know the cause of his imprisonment.

Asked how many *entradas* he has made from Mobile to the region west of the Mississippi; to the Natchitoches, Asinai, or Tejas;¹¹ and to the presidio of Rio Grande del Norte, he replied, two: The first was four years ago, when he came to Mexico summoned by the Most Excellent Señor, the Duke of Linares, former Viceroy of this New Spain, and the second, or the present trip to this place was made two years ago at the end of next October.¹² The object which he had was that the governor of Mobile had received a letter from a father missionary, in which he sent to

⁸"Added to all these tribunals [the superior council and inferior courts] was the bishop's court at Quebec to try causes held to be within the province of the church."—Parkman, *op. cit.*, p. 269.

⁹This was the Mississippi. St. Denis in another connection describes it as "el Rio grande llamado el Misisipi alias la palizada."—"Declaracion de D. Luis de San Denis, y D. Medar Naturales de Francia."—A. G. M., Historia 27, folio 121. Transcript in University of Texas collection. For the explanation as to why it was called Rio de la Palizada see Dunn, W. E., *Spanish and French Rivalry in the Gulf Region of the United States, 1678-1702* (Austin, 1917), 62.

¹⁰San Juan Bautista, also called the presidio of Rio Grande del Norte, and frequently referred to simply as "the presidio."

¹¹"The tribes in question commonly have been called the Tejas, but more properly the Hasinai. . . . The name Texas has been used to designate those tribes of the upper Neches and the Angelina valleys."—Bolton, H. E., "The Native Tribes About the East Texas Missions," in Texas State Historical Association, *THE QUARTERLY*, XI (Austin, 1908), pp. 249-276.

¹²This account is incorrect, and St. Denis himself contradicts it below. He left Mobile on the second trip on October 1, 1716, which was one year prior to the time of this declaration, rather than two. (See page 172.)

inquire whether the Rio de la Palizada was settled by French or English Catholics, and if it might be possible for him to go to settle and to found missions for the security of the Tejas. The governor of Mobile, Monsieur de la Mothe Cadillac, commissioned him to make this voyage, and this is the same motive which he has set forth in his declaration,¹³ and his commission is the same which is copied in the *autos*; it was shown and read to him along with his declaration.

With regard to the second *entrada*, the purpose which he had for making it was that he was married at the presidio of San Juan and that he was living with the Spaniards and serving the Spanish king, even devoting his life to his service. For this purpose he has forsaken his nation on account of the greater attachment which he and his wife have for the Spanish nation; such being their natural inclination.

Asked what was his purpose in having come to Mexico City at the time of the first *entrada* which he made from Mobile and what means or methods he took for meeting the Most Excellent Señor, the Duke of Linares, the ministers of the government, and others, in order to obtain the position of guide for the missionaries and the military to the Tejas country, and [asked] if he knew the purpose of the Most Excellent Señor, the Duke of Linares, in thus commissioning him, he said, with reference to the first part, that Captain Diego Ramón sent a report from the presidio on the Rio Grande to the Most Excellent Señor concerning the arrival of the declarant and his three French companions at that presidio, in order that His Excellency might make a decision with regard to it. That which His Excellency decided upon was to summon the declarant to Mexico; arrived in Mexico, he went to see the Most Excellent Señor, who questioned him concerning the Tejas. Then it was that he made the declaration which is in the *autos*, and it has been read to him; Don Gerardo Moro wrote it. Later the declarant was summoned to Panzacola, where the Viceroy was. Arrived there, His Excellency asked him if he cared to lead the missionary fathers to the Tejas, and the declarant replied, yes, because he had already fraternized with the Spaniards and had pledged his word to marry. Thereupon His Excellency

¹³The declaration cited in note 9, dated June 22, 1715.

sent to summon Father Hidalgo and Father Olivares, missionaries in the monastery of the Cross of Querétaro.¹⁴ These fathers arrived in Mexico and, having made arrangements with His Excellency, the latter gave him a commission as guide to conduct them to the Tejas, with a salary of five hundred pesos, as in fact he did conduct them at the risk of his life. Such was his motive in seeing the Most Excellent Señor, the Duke of Linares, and none other. He did not make himself known to other government ministers or judges in order that they might introduce him to His Excellency. He does not know what motive the said Most Excellent Señor might have had in selecting him as a guide. His inference is that he was selected because of his knowledge that the Indians between the Tejas and the San Antonio River are warlike and the declarant had done well in having talked to them and made advances to them en route. For this reason he [the Viceroy] believed that he should select him [St. Denis] as guide in order that he might conduct them [the missionaries] with less risk. Thus he replied:

Asked if, having gone as guide to the Tejas Indians, he went on to Mobile or Masacra, which is an island eight leagues distant from Mobile, and also if he went on to it with the permission of his captain, Domingo Ramón, and asked for what purpose and with what motive, he replied that he went for the purpose of bringing out his few personal possessions in order never to return to Mobile nor to be among the French, but to live with the Spaniards, because of having married among them, and in order to serve God and the King in everything that might arise. He had no other purpose.

Asked if he made an itinerary or map of the journey from Mexico to the River [Rio Grandé] and from the River to the Tejas and from the Tejas to Mobile, he said no; that when he made the first trip from Mobile to the presidio, and from the

¹⁴At this place was founded in 1683 the College of the Holy Cross of Querétaro, the purpose of which was to train missionaries for work among the Indians. Those sent out by it played a very active and important role on the northeastern frontier, among the best known being Fathers Margil and Espinosa, who founded the missions among the Asinai in 1716. Its missionary activities continued for many years, an account of them down to 1791 having been written by Fathers Espinosa and Arrievita.—See Bolton, *Guide to Materials for the History of the United States in the Principal Archives of Mexico* (Washington, 1913), p. 386.

presidio to Mexico, he made in Mexico the itinerary which is contained in his above cited declaration, and also a map. An Englishman who then resided in this court made a map from the Rio de la Palizada as far as New France [Canada], constructing it from the information which the declarant gave him. When finished it was entrusted to Moro, in order that he might give it to His Excellency, as Moro had been ordered to make such a map.

Asked if he noted the longitude and latitude of Mobile, Masacra, Natchitoches, Asinais, Presidio del Rio Bravo del Norte, and other places between Mexico and the Mississippi, he said that he did not take the bearings because he did not know the altitude in which these rivers and places are and did not know how to ascertain it. He was guided by his computation of leagues according as he walked on his journeys from morning to mid-day and from mid-day to night, and by directions of the winds. In this manner he explained his trip to Moro and to the Englishman in order that he might make the map from La Palizada to New France. No map was made from the Rio de la Palizada to the presidio.

Asked at what time he set out from the presidio for Mobile he said that he set out on the twenty-sixth of April of the past year, 1716; that he arrived at Mobile early in September; that he set out from Mobile for the presidio on October the second, or first, and that he arrived among the Tejas early in December. He was among the Tejas until the month of March in order to provide corn for the six missions which were founded there, two of which the declarant founded: he located and constructed them for Father Margil—one named San Miguel, as he recalls it, and the appellation of the other he does not know.¹⁵ At his personal expense he has maintained these two missions with corn, on account of little having been sown among the Tejas due to want of hoes for cultivating the soil. The declarant went to Natchitoches to buy maize of the Indians in order to conduct it to the Tejas. This

¹⁵Probably the one among the Ays called Nuestra Señora de los Dolores. This and San Miguel de Linares, which was among the Adays, were somewhat apart, to the east and southeast of the other four, being established later when the presence of the French on the Red River was discovered. The others were San Francisco, among the Nacoches, the first to be founded; Purísima Concepción, among the Asinais; Nuestra Señora de Guadalupe, among the Nacogdoches; and San Joseph, among the Noaches.—Clark, *op. cit.*, pp. 1-26.

he did three times; as a result he was detained among the Tejas until March, working strenuously. He arrived at the presidio of San Juan early in April of this year, 1717.

Asked if he made a map, where it is, if he has given it away, and for what purpose, he said that he did not make a map; that a very small one showing the rivers from the Grande del Norte to that of the Natchitoches he sketched for His Excellency, the Most Excellent Señor, Marquis of Valero, although he doubts if its demarcation extends as far as the Natchitoches, but only to the Tejas.

Asked if after the convoy arrived among the Tejas and he went on to Mobile, he made a trip from the said Mobile to New or Old France, he said no, because Mobile, being as it is, 800 leagues distant from the said city of Montreal and the latter seventy leagues distant from the above mentioned Quebec, capital of New France, if he had gone on to Montreal he would not even at this day have returned to Mobile, because the cold weather and the freezing of the rivers in the country through which he must travel from Mobile to the Illinois would have delayed him a year and a half in going and coming. It is seventeen years, less eleven months, since he was in Old France, and since then he has not returned to it because so many others have done so. He came from Old France to settle Mobile, where he has resided in the country of the Rio de la Palizada. He says it is twenty years since he set out from New France and since then he has not returned to it.

Asked if he or other Frenchmen, who they were and how many, when he left Mobile at the beginning of October for the above mentioned presidio of San Juan, brought bales of merchandise, how many there were, how much they were worth in Mobile, and where they now are, he said that he set out alone from Mobile and that three canoes overtook him at the presidio of San Juan de la Palizada, in which were coming eleven Frenchmen whose names he does not know. Two of these canoes were coming from the country of the Illinois, as they go and come all the time to Mobile, and the other was coming from Mobile up the Rio de la Palizada for the country of the Natchitoches; neither of these accompanied the declarant. He says that he brought thirteen bundles of merchandise and a case of thread, all of which were

from Old France. In order that they might assist in bringing these, two first cousins of the declarant, who are on the Rio Bravo, or Grande, came in his company, although the declarant does not now know whether they will remain there, on account of his being detained so long on the road and at this capital. [He says] that the bundles and case of merchandise and thread were worth 5,500 pesos in Mobile, which was all the property which the declarant owned. [He says] that for this undertaking he sold a cultivated farm and five Indian slaves which he had in the presidio of the Rio de San Juan de la Palizada; that is, with these bundles they paid him the value of the *hacienda* and the slaves, there being included in the said importation of merchandise three years' pay as captain of the presidio of San Juan de la Palizada, which salary they paid him in merchandise. His annual salary was four hundred pesos, and the three years for which they paid him was the time which he served there in the presidio and not for the time which he spent among the Spaniards. [He says] that the greater part of this merchandise is wide Brittany linen, and a little narrow, and the rest serge, red flannel, a small box of laces, a piece of woolen cloth, and one or two pieces of brocade which he was bringing for his wife to wear. [He says] that there is nothing else; the amount of Brittany linen he is unable to state, because he has never been a merchant. He was bringing all the above in order to establish his business for buying cattle and the like, and in this way to support his wife and children, who are on the said Rio del Norte. [He told] how he brought from [the] Tejas the bound-up bundles; thus he brought them into the presidio of Rio del Norte, where Captain Diego Ramón seized them until he might receive orders from His Excellency. This made it necessary for the declarant to go to Mexico in order to inform His Excellency so that he might order that they be returned. Thus he replied.

Asked if he sold in the presidio or in the kingdom of Leon¹⁶ some articles of this merchandise, to whom, and in what towns, and how much he realized from the sales, and whether he made a record of these sales and of the articles of merchandise, he said that he had not sold five cents worth of these articles, because

¹⁶The province of Nuevo Reyno de León, more commonly known as Nuevo León.

as soon as he arrived they were seized so that they did not allow him to take out even a shirt to put on. He did not list these articles nor the sales, because he did not make any.

Asked if on the trip from the presidio of Rio Grande del Norte to Mexico and return, and from the presidio to Mobile, he had noted the latitude of the cities, towns, and places through which he had passed, what these were, and the distance between them, he said that he did not know the latitudes because he does not understand the taking of bearings. According to his calculation it seems to him that from Mexico to Mobile is 750 or 800 leagues; that from Mobile to the presidio of Rio del Norte it seems to him that it is about 300 leagues; that from that presidio to the mission of San Francisco de los Tejas it is 180 leagues—thus it seems to him, although the padres think that it is 200 leagues to this mission. From the above mentioned mission of San Francisco to Natchitoches it is about 80 leagues more or less, and from Natchitoches to Mobile it is about 200 leagues more or less. Such is his conclusion after having seen and walked it. Thus he replied.

Asked if he observed the nations which are between the Mississippi and the Rio del Norte, how many there are, what names they have, what arms they use, and in what manner they govern their pueblos and manage their houses; what they cultivate in their fields, what is the character of the products of their plains, valleys, mountains, and rivers; how many he crossed and how many there are between the Mississippi and the Rio Bravo; what abundance of fish there are in the rivers, of timber in the mountains, of herbs, seeds and fruits in the country; if there are minerals, of what metals and where they are found, and what are the bearings of the same:

He said that there are many, as the so-called Viday [Bidais], these being two and one-half days journey to the south of the Asinai. Between the Trinity River and the coast at its mouth is the Sanathoó-Annama-Caocatze-Tiyupan,¹⁷ and another [nation]

¹⁷By Sanathoó evidently is meant the two tribes, Sana and Toho or Tuu. The Sana is described as a "central Texas tribe, apparently Tonkawan." It was closely associated with the Toho [Thoó], which was a sub-tribe of the same group, and other tribes of the region.

The Annama [Aranama], as spelled in the *Handbook* referred to below,

which extends along the same coast from the Bay of Espiritu Santo. These nations wander without having a village or fixed abode, and have war with the Asinais and with travelers. From the Trinity River to the Colorado is the nation Yrbipian [and the] Scaaran,¹⁸ which was settled on the margins of the Rio del Norte in the mission of San Joseph and rebelled, and moved to the banks of the Colorado, where the Vitzummo [and] the Moraum¹⁹ wander. These four nations in prickly-pear time, which is just now, assemble in rancherias on the hills of the pass of this said Colorado River, up-stream, from fear of the Apache Indians (so-called in common parlance, and, in their own, Padoca), who are enemies of the Spaniards and the French, and so numerous in their nation that they occupy more than 400 leagues, in which they have their villages and houses scattered. They make raids from beyond New Mexico to the Mississippi and the Illinois by way of the Missouri River. This information he gained from the Indians along the road from [the] Tejas to the presidio. For a time there reside on the banks of the San Marcos River the following nations, La Payaya-Pamaya-Tzatoó-Emeé-Tziames.²⁰

was "a small agricultural tribe formerly living on and near the south coast of Texas." Its ethnic relationship is uncertain.

The Caocatze [Coaque?] were mentioned by Cabeza de Vaca as living on Malhado Island off the coast of Texas. They evidently were a branch of the Karankawa, as they spoke a dialect of that language.

The Tiyupan' [Choyopan, Tohóyopan] was a Tonkawa clan.

For these tribes see, *Handbook of American Indians*, edited by F. W. Hodge (Bulletin of the Bureau of American Ethnology, No. 30, Parts I and II, Washington, 1907 and 1910), Part II, pp. 422-423, 771. Part I, pp. 72, 53, 315, 401, 293.

¹⁸The Yrbipian [Ervipiame] was a central Texas tribe of the eighteenth century, probably Tonkawan.

The Scaaran [Saracuam] was a tribe on the road from Coahuila to the Tejas country. Its affinities are uncertain.—*Handbook of American Indians*, Part I, p. 432. Part II, p. 466.

¹⁹It has been impossible to identify the Vitzummo.

The Moruam [Muruum] was a tribe, probably Tonkawan, many of whose members were baptized at the San Antonio missions in the first half of the eighteenth century.—*Handbook of American Indians*, Part I, p. 958.

²⁰The Payaya was "a prominent Coahuiltecan tribe living in the latter part of the seventeenth century on the San Antonio River, Texas. It was one of the principal tribes for which Father Olivares founded San Antonio de Valero mission in 1718 . . . and one of the most constant inhabitants of the mission. They ranged at least from the Rio Grande to the Brazos."

The Pamaya is mentioned as a tribe found living in central Texas in 1716 and associated with the Sijame, Payaya, Xarame, and others.

These four wander from this river to the Medina, always as vagrants; from this River Medina to the Rio del Norte the nations of Paquatche and Pampop²¹ wander. These nations he remembers, but there are others. Those named are friends of the Spaniards and of the Tejas, but nevertheless they do not fail to be deceitful to the Spaniards. These same [nations] reside sometimes above and sometimes below the Tejas as far as the presidio, and it is necessary for the Spaniards to be on their guard against them so that they will do them no harm, as they [the Indians] have to go through their country [the Spaniards'] because they go by way of the passes of the rivers. With these same nations those which are settled from the road running from the Tejas to the presidio southward to the coasts of the Mexican Gulf are at war, and in the region above they are at war with the Apaches. He adds that if the San Antonio River should be occupied with 500 veterans and the Bay of Espiritu Santo²² with 100, the dominion of the King our Lord will rest secured and many souls be converted to the faith because, from the bay, it will be possible to control the Tejas, the San Antonio River, and the Rio del Norte. To the east of the Tejas is the Natchitoches nation on the Colorado River,²³ which empties into the Mississippi. Those which are to the north, northwest, and west of the Asinais are the nation

It has been impossible to identify the Tzatoó. Since this group is spoken of as containing *four* tribes, it may be that this is some unidentified subdivision of one of them.

The Emeé [Emet] was a small tribe encountered by De León in 1689 and 1690 along the Guadalupe, where they had several villages. They were later found east of the Colorado among the Too, Toaa, and Cava tribes. They were probably related to the Karankawa.

The Tziame [Sijame] was a tribe many of whose members lived near the San Antonio missions from 1719 to 1763. Their close association with other central Texas tribes indicates that they were Tonkawan.—*Handbook of American Indians*, Part II, pp. 217, 567. Part I, p. 422. Part II, p. 567.

²¹The Paquatche [Pacuache] was a "former tribe of northeastern Mexico or southern Texas, probably Coahuiltecan, members of which were gathered into San Bernardo mission on the lower Rio Grande, although their proper habitat was fifteen leagues distant."

The Pampop [Pampopa] was "a Coahuiltecan tribe formerly living on the Nueces River, Texas, twenty-two leagues from San Juan Bautista mission. They sometimes established themselves to the east, even across the Rio Frio."—*Handbook of American Indians*, Part II, pp. 183, 196.

²²Modern Lavaca Bay.

²³The Red River.

Yojuan, the Tancahoe, the Quihuugan, the Guanetjaa, the Nodacao, the Quitzais, Saccahe, Nauittij, Canohatinoo, Conux, Tahoangaraa, [and] Cahineo,²⁴ and there are others whose names he does not remember. He knows of them from what he has heard the Tejas say and by reports which they themselves have heard. These nations do not have villages nor fixed abodes because of fear of the Apaches.

All these nations which he has named use bows and arrows; the greater part of the Natchitoches and some of the Tejas use firearms. Each nation is governed by its cacique, or captain, alike when they are settled and when they are not, because they always have a chief who governs them in peace and in war, but he has subaltern captains, some for the government of the nation in war, and others in time of peace and for the management of the villages. The declarant has observed these things among the Tejas, and the same is true regarding the others, for that which one nation observes the others, with little difference, observe also.

Regarding meat and other supplies, the property of these nations is communal, because that which anyone obtains by fishing is for the nation, and likewise that which he gets by hunting. With regard to the wives, these are not communal, since they are

²⁴Of this group it has been possible to identify the following:

The Yojuan [Yojuane] was "a Tonkawan tribe of northern and central Texas. . . . Ramón in 1716 mentions them among the enemies of the Hasinai."

The Tancahoe may signify the Tonkawa, the great central Texas tribe, or possibly the Taneaho, an unidentified village or tribe which was mentioned by French explorers as being among the enemies of the Kadohadacho of the Red River of Louisiana.

The Nodacao [Nadako, Anadarko] was a tribe of the Caddo Confederation. Their villages were scattered along the Trinity and Brazos rivers, higher up than those of the Asinai.

The Quitzais [Quide, Quidehais] was "one of thirty-six tribes, friends of the Jumanos, said by Juan Sabeata in 1683 to have lived in present Texas, three days' travel east of the mouth of the Conchos."

The Saccahe [Sacahaye] was "an unidentified tribe mentioned to Joutel in 1687 while he was staying with the Kadohadacho on the Red River of Louisiana, by the chief of that tribe, as one of his allies."

The Nauittij [Nacisi?] was a "small tribe, possibly of Caddoan stock, formerly of the region of the Red River of Louisiana."

The Cahineo [Cahimio] was a tribe, possibly Caddoan, which resided in southwest Arkansas, and later on the upper Arkansas River. At the close of the eighteenth century they were extinct as a tribe.—*Handbook of American Indians*, Part II, pp. 998, 779. Part I, pp. 51, 52. Part II, pp. 339, 401, 6. Part I, p. 184.

married in their style to the Indian men; but the spinsters are. The husband has charge of the wife and children, but if she has no children, it is customary to [temporarily] abandon her, she being blamed meanwhile. Some [husbands] repudiate them for good. They support their wives and children by hunting, fishing, and with roots, tubers, and other fruits of the trees. All these nations have horses and ride them, but do not eat them, having them to utilize among themselves. They do not cultivate the fields, which are fertile.

Along the banks of some of the rivers are plums, nuts, and other fruits common to Castile, but not in all, for in some are other species of trees. Between the Mississippi and the Rio del Norte he remembers crossing ten rivers in going from Mobile to Coahuila. Some of these rivers contain fish and others do not, because they become dry in the summer. From the Trinity River to that of the Natchitoches, called the Colorado, there are cane, flax, chestnuts, acorns, and other fruits. The hills are covered with grapevines so that they appear to be cultivated. It is said by those who have experience that there are minerals, but as he himself is not experienced, the declarant is not able to assure it. These extend from this side of the Trinity as far as the country of the Tejas. The rocks which are upon the surface of the ground are black, red, and yellow; he heard three or four of those who went in his convoy say that there are indications of [mineral] veins. He does not remember their names. Thus he replies.

Asked what confederation or wars these nations have, both within the nation and against each other, and if they have any with the French or the English, and which nations these are, he said that those which are between the Rio del Norte and the Trinity are at peace among themselves and with the Tejas, but occasionally they become restive; these are the ones which are in the region from the Rio Bravo to the Tejas. These nations have war with the neighboring nations to the south on the coast, and with those above to the north. The nations to the north and also those to the south could be pacified by a person who knows their language and is conversant with them. This is not to be understood of the Apaches, because it will be more costly to reduce them than the others. To occupy the Bay of Espiritu Santo

it would be necessary to gain the friendship of the nations which are on the coast. If the Señor Viceroy wishes, the declarant offers in time, with the help of God, to reduce the nations of the Bay of Espiritu Santo and the Apaches because, although he does not understand their language, there are interpreters among them who understand other languages, as they are captured as slaves from other tribes in the wars which they have. Neither the nations along the road to the Tejas, nor those below to the south, nor those above to the north, have peace or war with the French or English, except the Apaches, who are at war with all the world. Those from below will harm anyone whom they encounter on the road to the Tejas, be they Spaniards, French, or Indians. Thus he replies.

Asked what journeys he had made from New or Old France before taking the convoy to the Tejas, when and how long he has been in the one or the other and when he left them; with what purpose he went to the one or the other; if he conferred with any persons, what has been decided and what results gained, he says that he refers to everything that has already been said. Thus he replies.

Asked if in New or Old France it has been discussed, proposed, or resolved to make fortifications, settlements, or extensions of Louisiana, and at what points; if the French intend to pass from the banks of the Mississippi to the regions which are situated to the west or north of it; if they have yet done so and to what villages or nations they have come; what degree of latitude they have reached; if they have penetrated the mountains or borders of New Mexico or those of Gran Quivira, or the Kingdom of Teguayo,²⁵ or expect to discover or occupy them, he said that he does not know if that which is asked has been proposed or dis-

²⁵Evidently interest had not abated in these mythical "kingdoms" and the stories of the great wealth to be found there made the Spaniards fearful that their enemies might discover it first. In 1630 Father Benavides, in a memorial addressed to the king, urged that the gulf coast be occupied and a route across Texas to New Mexico be opened. Among the advantages for this he cited that of controlling the riches of Quivira and Teguayo, vague regions to the northeast. Again, many years later, when French aggressions became alarming, the discovery and occupation of these regions was a part of the plans of Spain. In the present case, almost forty years later, the same lively interest is shown.—See Benavides, *Memorial on New Mexico* (Ayer Translation, Chicago, 1916), note by F. W. Hodge, pp. 279-281.

cussed. In New France, that is, in Mobile, which is a part of it, he heard it said that the French claim the right to the rivers which flow into the Rio de la Palizada and to the lands which are between them. It may be that some explorer has passed to the lands to the north and west of the Mississippi, because regularly there are people from New France who come and go by way of the rivers which enter the Mississippi to trade with the Indians. It would require four months to give more extensive information of the subject referred to, because he saw it when he was in New France. This is true always and he does not think that they [the French] are coming toward these parts because the lands where they are are very rich, as in the Illinois, where they have mines, one of lead²⁶ having a vein about 200 leagues in length. They have even found a few coal mines and there are a few others of silver, crystal,²⁷ and others of other metals. The French have not crossed the Missouri River, which is a river which enters the Mississippi. The declarant has heard the Indians say that to the northwest of the Tejas there are bearded white men who do not go to the east nor to these parts to trade, as it is said that they have their dealings with people of the sea; the Indians say that in the land of these bearded men there is a mountain from which is seen the sea. These Indians from whom this is heard are beyond the Tejas. Some old men of the Cadodachos told him that a neighboring nation of theirs had for a god a little hill which always shines at night, and it is said to be of diamond. It is said that neither the French nor any man has seen Gran Quivira or the Teguayo. Thus he replies.

Asked if he knows whether some frigates from France had come to Mobile or Masacra, and for what purpose; if they brought families, militia, or missionaries, and how many; if merchandise, with what destination; if he knows whether others are to come, and with what intent; if he knows whether they have brought or will bring arms, and with what destination; if they have distributed any among the Indians; if they have taught or

²⁶The Illinois country was regarded as the "garden spot" of New France, because of the richness of the soil and the variety of products. Lead had been early discovered in Missouri and mining operations were carried on on a large scale.—See Bolton, H. E., and Marshall, T. M., *The Colonization of North America* (New York, 1921), p. 282.

²⁷*Cristal mineral.*

will teach them to use the guns, and with what purpose, he said that he does not know whether any have come, but when he left Mobile he heard that they were expecting two frigates; he does not know whether they have arrived as he has not been in Mobile since the above mentioned time. He heard it said that they were to conduct some families and soldiers to settle the Palizada and Mobile Rivers. He did not learn either the number of the soldiers or of the families which were to come. It is said that these frigates were to bring merchandise belonging to the king to pay the soldiers their wages and to give to the Indians, because each year they send these to gain their gratitude and to maintain them. In the time which he was in Mobile he saw that these arms were always sent and distributed among the Indians in order that they might defend themselves from rebellious Indians and those subject to the English,²⁸ because they always have had war with them, although he does not know whether or not they now have it. For this reason the French teach the Indians who are friendly to them the use of arms, and they know how to manage them equally as well as the French. Thus he replies.

Asked if he or other French or English have directed their course along the coasts of the Mexican Gulf from Mobile to Vera Cruz; if they have reconnoitered or surveyed its bays, ports, or the mouths of its rivers, and with what purpose; if he knows what advantages or disadvantages the bays, ports, or beaches situated between the Mississippi and the Rio Bravo have in their shores, or plains; if the declarant or the referred to persons had made itineraries or maps of these; if he has them or gave them away in Mobile or Masacra, and for what purpose, he said that he has not come by sea nor reconnoitered the coasts of the Mexican Gulf nor surveyed its ports or beaches, because of not knowing how and of not, as he said, having been there. He knows that the English have cruised [there], but does not know whether they have reconnoitered the coasts, and does not know positively

²⁸Both the French and the English used their influence with the Indians to prevent the spread of the other's settlements. The method of control here described was used extensively by Iberville and others. The methods of the English were similar. "In 1708, probably at the instigation of the English, the Cherokees, Arikas, Catawbias, and Alabamas formed an alliance. Four thousand warriors descended on the French settlements, but lack of leadership destroyed the effectiveness of the attack and, little damage was done."—Bolton and Marshall, *op. cit.*, p. 270.

that the French have done so. He does not know positively more than that Monsieur de la Salle discovered the Bay of Espiritu Santo and settled the French there, they being ended, that is, killed, by the Indians because of having been neglected. However, they were kept there four years without having been aided from France, according to the printed report of Monsieur de la Salle. He does not know whether the harbor of the said bay is good or bad; as he did not go there, he has made no itineraries, but there are some in Mobile. Thus he replies.

Asked if he brought with him from Mobile any man as a servant or companion to the presidio of Rio [del Norte] and from there to this court, if he was French or Spanish, where he now is, if he knows whether he has returned, to what place, and why, and if he came to this court on his own initiative, or who sent him, he said that no one came in his company from the Rio del Norte to Mexico except Miguel de la Garza, a Spanish resident of the same river, who is imprisoned at the order of His Excellency in this Royal Prison. He brought him as a servant to attend him on the journey from the presidio to Mexico and from Mexico to the presidio. He offered to pay him for his services going and returning 200 pesos. This man has not passed to Mobile nor to the Tejas; he is married and has children in the place referred to. At the prison no one has come to see him except the Frenchman named Francisco Pudrie, who was arrested and only today released from the prison.

All of which, under the oath which he has taken, he says is the truth. This his declaration, which was finished on the eighteenth day of September of the above referred to year, having been read to him, was affirmed and ratified and he signed it. Also the said Señor Don Juan de Oliván signed it, of which I give testimony. Signed with a rubric. Louis de St. Denis. Before me, Antonio de Avilés.

INDIAN POLICY OF THE REPUBLIC OF TEXAS

ANNA MUCKLEROV

CHAPTER VI

INDIAN AFFAIRS DURING HOUSTON'S SECOND ADMINISTRATION AND DURING JONES'S ADMINISTRATION

I. RETURN TO THE PACIFIC INDIAN POLICY

The presidential election held the first Monday in September, 1841, resulted in Houston's receiving three-fourths majority over his opponent, David G. Burnet. Houston was inaugurated December 13, 1841. In general, his policy was, rigid economy in government expenditure and general financial reconstruction, temperate conduct in relations with Mexico, and the establishment of peace with the Indians.¹ The sixth Congress had assembled at Austin, November 1, 1841. Houston sent in his message on December 20, 1841, in which he explained his ideas for obtaining and holding the friendship and confidence of all the Indian tribes, and for protecting the frontier.

Our Indian relations are far from being satisfactory. For years large appropriations have been made by Congress for the defence of the frontiers. With what success they have been employed the whole country is familiar. The measures adopted under the late administration were directly at variance with those recommended by the first constitutional Executive. On the safety and security of our frontier settlements materially depend the increase of emigration, the extension of our limits, and the general quietude and prosperity of all our citizens. It is, therefore, important that means should be provided for the Executive and placed at his disposal, to enable him to accomplish these objects, and to meet pressing emergencies. That they are within our reach I have no doubt. A thorough knowledge of the Indian character has induced a firm belief on my part that a sum less than one-fourth of the amount heretofore annually expended for these purposes would procure and maintain peace with all the Indian tribes now upon our borders. I would suggest that a number of

¹Yoakum, *History of Texas*, II, 332; *Colorado Gazette and Advertiser*, August 28, 1841, September 4, 1841.

posts be established at suitable points, extending from our western border to Red River; that treaties be concluded with the several tribes, and that one or more traders be established, under proper regulations, at each of these posts, with from twenty-five to thirty men for their protection. I do not doubt that this system, once established, would conciliate the Indians, open lucrative commerce with them, and bring continued peace to our entire frontier. Their intercourse with us would enable them to obtain articles of convenience and comfort which they could not otherwise procure, unless by a very indirect trade with more remote tribes who have commerce with traders of the United States. Finding a disposition on our part to treat them fairly and justly, and dreading a loss of the advantages and facilities of trade, they would be powerfully affected, both by feelings of confidence and motives of interest, to preserve peace and maintain good faith. The hope of obtaining peace by means of war has hitherto proved utterly fallacious. It is better calculated to irritate than to humble them. Neither can we pursue with the hope of exterminating them. Millions have been expended in the attempt, and what has been the result? War and theft are their vocation; and their incursions are made upon us with impunity. We cannot pursue them with success. Our citizens, so continually harassed are dispirited. Industry and enterprise are alike embarrassed; the former prevented, and the latter discouraged. How far it is necessary for Congress to provide for the attainment of these objects is referred to their consideration.²

Houston's policy of peace and friendship with the Indians was not only consistently carried out by him, but also by Anson Jones, his successor, who was inaugurated December 9, 1844, and served as President of the Republic until Texas was annexed to the United States in February, 1846. After Texas became a state, her Indian policy was no longer a matter for local determination, but was definitely merged in the Indian policy of the Federal Government.

II. PEACE NEGOTIATIONS WITH THE INDIANS

Houston considered the establishment of friendly relations with the Indians one of the most important duties before him as President of the Republic. Most of the tribes had retired east of the Red River, from where they sent war parties to ravage and plun-

²Wm. Carey Crane, *The Life and Select Literary Remains of Sam Houston*, 295-296.

der the frontiers.³ July 5, 1842, the President appointed Colonel Henry E. Scott, Ethan Stroud, Joseph Durst and Colonel Leonard Williams, commissioners, "to treat with any and all Indians on the Frontiers of Texas."⁴ The Indians also were beginning to look forward to the establishment of peace. James Logan, United States Indian Agent to the Creeks, wrote to Houston June 1, 1842, saying that the Kichai, Wichita and Tawacano chiefs were desirous of establishing peace with Texas, and were anxious that a time be appointed to meet for the purpose of making a treaty. The chiefs thought the Comanches would also desire peace.⁵ Another indication that the time was ripe for negotiations is shown by a letter written to the Caddo chief, Red Bear, by the Muskogee chief, July 20, 1842. He advised the Caddos to cease their depredations against the Texans and live in peace with all men. Red Bear wrote to R. M. Jones at Boggy Depot in Texas asking him about the possibility of making an agreement with the government of Texas. Jones answered that Houston had already appointed commissioners for that purpose.

The Government of Texas by her Commissioners propose to meet you and such other tribes as shall wish, and make a permanent peace, and will allow the Red men to return to their old Hunting Grounds in Texas, and will appoint Agents for their different tribes to watch over their interest and will establish trading houses convenient to their Hunting Grounds where they can barter their skins for clothing and other articles of comfort that they may need. I wish you to talk strong like a man to those others to induce them to accept peace from the white man because it is good and for the benefit of all red men.⁶

The commissioners reported the success of their mission on September 4, 1842, in a letter to the President. They had proceeded to the depot on Boggy in the Chickasaw nation, where they found from Colonel Jones that the Caddos were anxious to establish

³Crane, *The Life and Select Literary Remains of Sam Houston*, 314. Houston's Message to the Seventh Congress, December 1, 1842.

⁴Manuscript: Sam Houston to Colonel Henry E. Scott, Ethan Stroud, Joseph Durst, and Colonel Leonard Williams, July 5, 1842.

⁵Manuscript: James Logan to Sam Houston, June 1, 1842. Indian Affairs.

⁶Manuscript: R. M. Jones to Red Bear, Caddo Chief, July 30, 1842. Indian Affairs. State Library.

peace with Texas. Arrangements were made to meet the chiefs, head men, and warriors, of four different tribes at the Caddo village above the Chickasaw nation. Here on August 26, 1842, they made a treaty with the Indians, and received their promise to visit the hostile tribes, twenty in number, and to persuade these hostile Indians to meet the President and the commissioners October 26, 1842.⁷ This meeting was to be held at the Waco Village on the Brazos. For some reason the Indians were not on hand as they had promised. Houston believed that the high waters, the inclemency of the weather, and the fact that the range of the buffalo was further south than usual at that season of the year, explained the failure of the Indians to appear at the appointed Council Grounds. He did not doubt in the least the possibility of establishing friendly relations, and stated that he had sent messengers to the Indians to find out why they had not come in to make the proposed treaty and to make arrangements for another meeting. "Let peace once be made with them," he said, "let them realize that they can obtain such articles as they require within the vicinity of their families and hunting-grounds, maintain good faith on our part, and they will at once perceive that their interest is to remain at peace and in commerce with us; that their women and children may remain secure in their wigwams, and renew their agriculture."⁸ A Council was finally arranged to be held at Tawakano Creek the latter part of March, 1843. The commissioners from the Republic present at this meeting were: G. W. Terrell, J. S. Black, T. J. Smith, with T. Bryson as secretary; from the United States P. M. Butler with Burgeville as secretary. The following Indian tribes were represented: The Delawares, Caddos, Wacos, Shawnees, Ionies, Anadako, Towakano, Wichitas and Kichai. On March 31, 1843, the different parties signed an agreement to hold a Grand Council with representatives from Texas, and from all the Indian tribes and from the United States. The time and place of this meeting was to be agreed upon later. Its purpose should be to conclude

⁷Manuscript: Report of Indian Commissioners to Sam Houston, September 4, 1842. Indian Affairs. State Library.

⁸Crane, *The Life and Select Literary Remains of Sam Houston*, 314-315. Houston's Message to the Seventh Congress of the Republic of Texas, December 1, 1842.

a definite and permanent treaty of peace and friendship between the Republic of Texas and all the Indians residing within or near its borders. In the meantime all hostilities should cease. Those Indians who wished might trade at the Trading House on the Brazos River, and might also plant corn at any place north of this Trading House until a permanent line could be established. In case a treaty was concluded at the Grand Council both parties promised to deliver all prisoners at that time.⁹ Six months after this agreement was signed, the Grand Council convened at Bird's Fort on the Trinity River. No treaty thus far made with the Indians was of such far reaching importance as that signed by the commissioners of Texas and representatives from the Indian tribes on September 29, 1843. It embodied all the principles of Houston's peace policy, and proved to be such a practical and effective instrument that it seems well to give it in full.

A Treaty of Peace and Friendship, Between the Republic of Texas and the Delawares, Chickasaw, Waco, Tahwoc-cany, Keechi, Caddo, Ana-dah-kah, Ionie, Biloxi, and Cherokee tribes of Indians, concluded and signed at Bird's Fort, on the Trinity River, the 29th day of September, 1843.

Whereas, for some time past, hostilities have existed and war been carried on between the white and red men of Texas, to the great injury of both parties; and whereas, a longer continuance of the same would lead to no beneficial result, but increase the evils which have so long unhappily rested upon both races; and whereas, the parties are now willing to open the path of lasting peace and friendship and are desirous to establish certain solemn rules for the regulation of their mutual intercourse:

Therefore, the Commissioners of the Republic of Texas, and the chiefs and Headmen of the beforementioned tribes of Indians being met in Council at Bird's Fort, on the Trinity River the 29th day of September, 1843, have concluded, accepted, agreed to and signed the following articles of Treaty:

Article I. Both parties agree and declare, that they will forever live in peace and always meet as friends and brothers. Also that the war which may have heretofore existed between them, shall cease and never be renewed.

Article II. They further agree and declare, that it is the duty

⁹Manuscript: Minutes of Indian Council, March 28, 1843; Agreement between the Republic of Texas and Delawares, Caddos, Wacos, Shawnees, Ionies, Anadakos, Towakanos, Wichitas, and Kichais. March 31, 1843. Indian Affairs, State Library.

of warriors to protect women and children; and that they will never make war upon them, or upon unarmed persons; but only upon warriors.

Article III. They further agree and declare, that the Indians will never unite with the enemies of Texas, nor make any treaty with them, which shall require the Indians to take part against Texas, and that if such proposals should ever be made to them, that they will immediately communicate the same to an agent or to the President.

Article IV. They further agree and declare, that when they learn that Texas is at war with any people, a chief will come to an Agent and ask to be conducted to the President, that he may counsel with him.

Article V. They further agree and declare, that agents shall be appointed by the Government of Texas and be stationed at such places as may be deemed proper, for the purpose of hearing the complaints of the Indians and seeing that justice is done between them and the whites; and also to communicate the orders and wishes of the President to the various bands and tribes.

Article VI. They further agree and declare, that no person shall go among the Indians to trade, except by the express authority of the Government of Texas.

Article VII. They further agree and declare, that no white man or other person within the control of the laws of Texas, shall introduce among any tribe or nation of Indians, or sell to any Indian or Indians, ardent spirits or intoxicating liquors of any kind.

Article VIII. They further agree and declare, that no white man or other person, else than a regularly licensed trader, shall purchase any property of an Indian or Indians, without the consent of an agent of the Government of Texas.

Article IX. They further agree and declare, that when any property is found among the whites, belonging to the Indians, it shall be the duty of the Agent to see that the same is restored; and on the other hand, whenever property, belonging to the whites is found among the Indians, the same shall be restored in like manner by the chiefs, on application of the owner or owners thereof, through the Agent.

Article X. They further agree and declare, that no trader shall furnish any warlike stores to the Indians, but by the express permission of the President.

Article XI. They further agree and declare, that no person or persons shall pass the line of trading houses, without the special permission of the President; and then only for friendly purposes; nor shall any person or persons reside or remain within

the territory assigned to the Indians, unless by express direction of the President.

Article XII. They further agree and declare, that any person or persons, who shall molest, or attempt to molest the persons or property of the Indians while they remain peaceable under this Treaty, shall be held guilty of felony and punished accordingly by the Government of Texas.

Article XIII. They further agree and declare, that any killing or outrage whatsoever, committed by a white man, or other person within control of the laws of Texas, upon an Indian in time of peace shall be punished by the Government of Texas in the same manner as though the Indian were a white man; and that the person so offending shall be liable to indictment and punishment in any county in the Republic.

Article XIV. They further agree and declare, that if any Indian or Indians shall kill any white person, he or they shall suffer death; and that if any Indian or Indians shall steal any property of the whites, he or they shall be punished by the tribe, in presence of an agent, with whipping or other punishment, according to the offence.

Article XV. They further agree and declare, that the Chiefs and Captains will not permit the Indians to cross the line for any purpose whatsoever without authority and a passport from an agent; nor sell any property to a white man unless authorized so to do by some agent.

Article XVI. They further agree and declare, that if any person or persons shall come among the Indians, without authority from the President or agent, they will immediately seize and deliver him or them to some one of the agents.

Article XVII. They further agree and declare, that they will mutually surrender and deliver up all the prisoners which they have of the other party for their own prisoners; and that they will not be friendly with any people or nation, or enter into treaty with them who will take prisoners from Texas, or do its citizens any injury.

Article XVIII. They further agree and declare, that the President may send among the Indians such blacksmiths and other mechanics as he may think proper, for their benefit; and also that he may send schoolmasters and families for the purpose of instructing them in a knowledge of the English language and Christian Religion.

Article XIX. They further agree and declare, that when the President shall send persons among the Indians, they will extend to them kind treatment and protect them from harm.

Article XX. They further agree and declare, that the chiefs and Headmen of the Indians will cause their young men and war-

riors to behave themselves agreeably to the words of this treaty; or that they will punish them with death, or in such other way as will compel them to keep peace and walk in the path made straight between the white and red brothers.

Article XXI. They further agree and declare, that should any difficulty or cause for war arise between the Government of Texas and the Indians, they will send their complaints to the President, and hear his answer before they commence hostilities; and the Government of Texas will do the same.

Article XXII. They further agree and declare, that so soon as the Indians shall have shown that they will keep this treaty, and no more make war upon the whites, nor steal horses from them, the President will authorize the traders of Texas to sell them powder, lead, guns, spears and other arms, such as they may need for the purpose of killing game; and also make to them every year such presents as the Government of Texas may provide.

Article XXIII. They further agree and declare, that the Government of Texas reserves to itself the right of working all mines which have been or may hereafter be discovered in the territory assigned the Indians.

Article XXIV. They further agree and declare, that the President shall make such arrangements and regulations with the several tribes of Indians as he may think best for their peace and happiness.

This treaty was approved by the Senate January 31, 1844, and signed by Houston February 3, 1844.¹⁰ All efforts to induce the Comanches to attend the Bird's Fort Council were in vain, but J. C. Eldredge, Superintendent of Indian Affairs, concluded a temporary treaty with their chief, Pah-hah-yuco, on August 9, 1843. This treaty provided: that a council should be held in December on the clear fork of the Brazos River for the purpose of concluding a permanent treaty between the Comanches and the Republic; that all the different bands of the Comanche nation should be visited by Pah-hah-yuco and induced to attend the council; that there should be an exchange of all prisoners after the permanent treaty was made; and that all hostilities should cease between the Comanches and the Texans until the meeting

¹⁰Manuscript: Proclamation of President Sam Houston, February 3, 1844. Indian Affairs, State Library.

in December.¹¹ On December 12, 1843, Houston in his message to Congress, said:

Through agents appointed by the Executive, the Government has succeeded in approaching and concluding treaties of friendship and intercourse with the various tribes of Indians inhabiting the territory of Texas, south of Red River, with the exception of the kindred bands of Comanches and Kioways. These latter tribes, owing to the occurrences of some few years since, the recollection of which was still strong, were disinclined to any intercourse with the Government or the people of Texas, and much time and trouble were necessarily required to conciliate them so far as to consent to a suspension of hostilities, which, I am happy to say has been done. They have agreed to meet the commissioners of the Government for the purpose of concluding peace.¹²

The council, which was to meet in December, had to be postponed, so on December 14, 1843, Houston sent a letter to Pah-hah-yuco, chief of the Comanches, explaining to him why the Texan commissioners were unable to meet him at the appointed time. Houston said:

I saw the treaty which Pah-hah-yuco made with my young chief, to do no more harm till the council. This was very good, and my heart was glad. It showed that you would be a friend to the whites and our brother. The council at Bird's Fort and the great rains and high waters, have prevented my young chiefs from meeting you in council; and I send my chiefs, who will give you this, to tell you the reason, and to request you and all your chiefs to attend a council to be held on or near Tahwoocany Creek, about the full moon in April next. . . . I hope my good friend Pah-hah-yuco and the chiefs of the several bands of the Comanches and Kiaways, will be present at the council on Tahwoocany Creek at the time appointed.¹³

Some time in March, 1844, about twenty Indians, chiefs and headmen of the tribes that had signed the Bird's Fort treaty, came to Washington to see the President. Houston made them a talk,

¹¹Manuscript: Report of J. C. Eldredge, Superintendent of Indian Affairs, to Sam Houston, December 8, 1843; Temporary Treaty between Pap-hah-yuco and Eldredge, August 9, 1843.

¹²Crane, *The Life and Select Literary Remains of Sam Houston*, 320. Houston's Message to the Eighth Congress of the Republic of Texas, December 12, 1843.

¹³Crane, *Life and Select Literary Remains of Sam Houston*, 344-345. Talk to Pah-hah-yuco from Houston, December 14, 1843.

gave them presents, and assured them of the friendship of the Republic. The Indians promised to induce the Comanches and other wild tribes who had not signed the treaty to attend the council in April.¹⁴ The Indians failed to arrive at the appointed place on Tawakano Creek, but after some delay two messengers arrived and reported to the Texan commissioners that they had found a few Comanches on the headwaters of the Colorado with a Chief Mopechooko. The chief said that his people were scattered from the salt plains of Arkansas to the Rio Grande, so they could not attend the council in April. Mopechooko, Seni Conna, and Quarhosapo sent a talk to Houston in which they stated that although the Comanches were very scattered all the tribes understood that they were at peace with Texas, and that they would meet the commissioners on the clear fork of the Brazos in September to make a permanent treaty.¹⁵ This council, which was supposed to convene on September 15, 1844, did not begin until October 7. There were representatives from the Comanches, Kichais, Wacos, Tawakanos, Caddo, Ionies, Lipan, Anadaks, Cherokees, Delawares, and Shawnees present at the meeting. The Texan commissioners were J. C. Neill, Thomas S. Smith, and E. Morehouse. Among others who attended this council Sam Houston, President of the Republic; G. W. Hill, Secretary of War, and G. W. Terrell, Attorney General, were conspicuous figures. The council lasted three days and resulted in the formation of a treaty which was concluded October 9. Presents were then distributed to all the tribes except the Waco, who were instructed to bring in the stolen horses in their possession before they received their presents.¹⁶ The general trend of the treaty was similar to that concluded at Bird's Fort, September 29, 1844. Its provisions are as follows:

Treaty of Peace, Friendship and Commerce, Between the Republic of Texas, and the Comanche, Keechie, Waco, Caddo, Anac-

¹⁴Manuscript: Report of Superintendent of Indian Affairs to Anson Jones, President, December 24, 1844. Indian Affairs, State Library.

¹⁵Manuscript: A Talk from the Comanche Chiefs to Houston, March 21, 1844.

¹⁶Manuscript: Minutes of Grand Council held near the Falls of the Brazos, between the Republic of Texas and the Indians, October 7, 1844; Report of Superintendent of Indian Affairs to President Anson Jones, December 24, 1844. Indian Affairs, State Library.

dah-kah, Ionie, Delaware, Shawnee, Cherokee, Lipan and Tah-wah-karro tribes of Indians, concluded and signed at Tah-wah-karro Creek, on the 9th day of October, in the year one thousand eight hundred and forty-four.

Whereas in time past, hostilities have existed and war been carried on between the white and red men of Texas, to the great injury of both; and whereas, a longer continuance of the same would lead to no beneficial result, but increase the evils which have so long unhappily rested upon the two races; and whereas, both parties are now willing to open the path of lasting peace, friendship and trade, and are desirous to establish certain solemn rules, for the regulation of their mutual intercourse;

Therefore, the Commissioners of the Republic of Texas, and the Chiefs and Head men of the before mentioned tribes of Indians, being met in council at Tah-wah-karro Creek, on the 9th day of October, in the year 1844, have concluded, accepted, agreed to, and signed the following articles of Treaty:

Article 1. Both parties agree and declare, that they will forever live in peace, and always meet as friends and brothers. The Tomahawk shall be buried, and no more blood appear in the path between them, now made white. The Great Spirit will look with delight upon their friendship, and will frown in anger upon their enmity.

Art. 2. They further agree and declare, that the Government of Texas shall permit no bad men to cross the line into the hunting grounds of the Indians; and that if the Indians should find any such among them, they will bring him or them to some one of the agents but not do any harm to his or their person or property.

Art. 3. They further agree and declare, that the Indians will make no treaty with any nation at war with the people of Texas; and also, that they will bring in and give up to some one of the agents of the Government of Texas, any and all persons who may go among them for the purpose of making or talking of war.

Art. 4. They further agree and declare, that if the Indians know of any tribe who may be going to make war upon the people of Texas, or steal their property, they will notify the whites of the fact through some one of the agents, and prevent such tribe or tribes from carrying out their intentions.

Art. 5. They further agree and declare, that the Indians shall no more steal horses or other property from the whites; and if any property should be stolen, or other mischief done by the bad men among any of the tribes, that they will punish those who do so, and restore the property taken to some one of the agents.

Art. 6. They further agree and declare, that the Indians will

not trade with any other people than the people of Texas, so long as they can get such goods as they need at the trading-houses.

Art. 7. They further agree and declare, that the Government of Texas shall establish trading-houses for the convenience and benefit of the Indians, and such articles shall be kept for the Indian trade as they may need for their support and comfort.

Art. 8. They further agree and declare, that when peace is fully established between the white and the red people, and no more war or trouble exists, the Indians shall be supplied with powder, lead, guns, spears, and other arms, to enable them to kill game and live in plenty.

Art. 9. They further agree and declare, that they will not permit traders to go among them, unless they are sent by the Government of Texas, or its officers.

Art. 10. They further agree and declare, that the Indians will not sell any property to the whites, except such as are authorized to trade with them by the Government of Texas.

Art. 11. They further agree and declare, that the President shall appoint good men to trade with the Indians at the trading-houses, so that they may not be cheated; and also, that he shall appoint good men as agents, who will speak truth to the Indians, and bear their talks to him.

Art. 12. They further agree and declare, that if the trading-houses should be established below the line, to be run and marked, that the Indians shall be permitted to cross the line, for the purpose of coming to trade.

Art. 13. They further agree and declare, that no whiskey or other intoxicating liquor, shall be sold to the Indians, be furnished to them upon any pretext, either within their own limits, or in any other place whatsoever.

Art. 14. They further agree and declare, that the Government of Texas shall make such presents to the Indians, as the President, from time to time, shall deem proper.

Art. 15. They further agree and declare that the President may send among the Indians, such blacksmith and other mechanics, as he may think best for their benefit; and, also that he may send schoolmasters and families for the purpose of instructing them in a knowledge of the English language and Christian religion, as well as other persons to teach them how to cultivate the soil and raise corn.

Art. 16. They further agree and declare, that if the President should at any time send men among them to work mines, or agents to travel with them over their hunting-grounds, the Indians will treat them with friendship and aid them as brothers.

Art. 17. They further agree and declare, that hereafter, if the Indians go to war, they will not kill women and children, or

take them prisoners, or injure them in any way; and that they will only fight against warriors who have arms in their hands.

Art. 18. They further agree and declare, that they never will, in peace or war, harm any man that carries a white flag, but receive him as a friend, and let him return again to his people in peace.

Art. 19. They further agree and declare, that they will mutually surrender and deliver up all the prisoners which they have of the other party for their own prisoners; and that they will not be friendly with any people or nation, or enter into treaty with them, who will take prisoners from Texas, or do its citizens any injury.

Art. 20. They further agree and declare, that if ever hereafter, trouble should grow up between the whites and the Indians, they will immediately come with a white flag to some one of the agents, and explain to him the facts; and he will send a messenger to the President, who will remove all trouble out of the path between the white and the red brothers.

Art. 21. They further agree and declare that there should be a general council held once a year, where chiefs from both the whites and the Indians, shall attend. At the council presents will be made to the chiefs.

Art. 22. They further agree and declare, that the President may make such arrangements and regulations with the several tribes of Indians, as he may think best for their peace and happiness.¹⁷

This treaty was ratified by the Senate January 24, 1845, and signed by President Jones February 5. The Indian affairs of the Republic were in a prosperous condition at the close of the year 1844, according to T. G. Western, Superintendent of Indian Affairs. He said that although there were occasional depredations on the western and southwestern frontier, the prospects for a permanent peace were continuing to brighten. The Indians were finding it advantageous to cultivate the peace and friendship of the Republic.¹⁸

The twenty-first article of the Treaty of October 9, 1844, provided that a general council should be held once a year between the Indians and the government of Texas. In accordance with this arrangement, plans were made to hold a meeting on September 15, 1845, at Post No. 2 on Tawakano Creek. President

¹⁷Gammel, *Laws of Texas*, II, 1191-1196.

¹⁸Manuscript: T. G. Western to Anson Jones. Report on Indian Affairs, December 24, 1844. Indian Affairs, State Library.

Jones wrote to Western that the main object of the council was to remove any difficulties which might have come up since the treaty was made, to keep the Indians quiet by a mutual renewal of friendship, and to make presents to the various tribes.¹⁹ The commissioners appointed to meet the Indians were J. C. Neill, E. Morehouse and T. J. Smith. Western instructed them to investigate the "obnoxious and unprovoked murder" of Hornsby and Atkinson near Austin in May. It was presumed, he said, that some of the Comanches were implicated in the crime. The perpetrators should be discovered and delivered into the hands of justice. In regard to the establishment of a permanent line between the Indians and the whites, Western said:

The Indians in Council last year in October, especially the Comanches refused their assent to a permanent divisory line, as proposed by the then President, General Houston, and the Commissioners in Council, His Excellency will not therefore desire you to urge this point at present, contrary to their wishes. They were then satisfied that the line of Trading Houses should be considered as the line designating the grounds of the Red Man, and the President has no objection that it should remain as it is, if the Indians desire it; but if on the contrary as it is rumored, they have changed their minds you will please hear all they may have to say on the subject and report to his Excellency what they desire in the matter in order that the Government may, after due deliberation, determine and make known their decision in the case, by the next council after the present.²⁰

The results of the peace council were described by the commissioners in their report of September 27, 1845, to the President. The report reads:

We have the honor to present for your consideration, the result of our mission as Commissioners, appointed for the purpose of holding a council with the several tribes of Indians on this frontier.

On the 12th inst we met the Comanche Indians under Mo-pa-cho-co-pe, and encamped with them at the Council Ground near the Brazos River, and within four miles of this Post. In a day or two representatives from the Anah-hah-kaho, Caddoes, Chero-

¹⁹Manuscript: Anson Jones to T. G. Western, September 8, 1845. Indian Affairs, State Library.

²⁰Manuscript: T. G. Western to J. C. Neill, E. Morehouse, T. J. Smith, Indian Commissioners, September 8, 1845. Indian Affairs, State Library.

kees, Delawares, Ionies, Lipans and Tonka-huas, arrived at the Council Ground, and on Friday the 19th inst we held a general Council.

On Sunday the 21st, another Council was held, when the chiefs of the different tribes manifested the warmest friendship for the whites, and assured us of their disposition to continue so, and also to use their influence in subduing such others as continued hostile. The Comanches in particular promised us, that should any stolen property be brought within their limits by the Wacoos or other wild Indians, that they would take possession of the same, and bring it in to the Trading Houses. It was no doubt expected by your Exy, that Powanca, one of the Comanche Chiefs, would have attended the Council with his band, but we regret to inform you that through some misunderstanding on the part of some of the Agents, he was not in attendance; but we have assurances from Mo-po-cho-co-pe, the Comanche Chief in Council, and from other sources, that within a few weeks, Powanca will bring his warriors into Council and enter into the Treaty already made with a portion of his tribe. Your Excy will readily perceive the great benefits that would result to the Nation, should this be consummated, on account of the influence and control which this Chief exerts over the Wacoos, Keechies, and other hostile tribes.

In regard to our instructions concerning the murder of Messrs. Atkinson & Hornsby, we have to report, that from the best information we could obtain, the report of the death of the murderer as also of his father by their own tribe, as communicated by B. Sloat, agent, is substantially correct.

We have the gratification of reporting, that the Lipan and Tonkahua Indians have consented to leave their present location and remove within the limits of the Comanches who have given their assent to it.

We received from Messrs. Torrey & Bro., goods intended as presents for the Indians to the amount \$2617.93, and having assurances that other parties and tribes of Indians would meet in Council in a few weeks. Should it meet with the approbation of the Govt, we economized in our distribution, and goods to the amount of \$1314.06½ was given out, leaving an Invoice on hand amounting to \$1303.87½, subject to the order and consideration of the Govt, which Invoices have been forwarded to the Indian Bureau. . . .

After the Council was concluded and the several tribes had received their presents, they left for their homes, assuring us again of their determination to continue friendly.²¹

²¹Manuscript: *Report of Indian Commissioners to Anson Jones*, September 27, 1845. Indian Affairs, State Library.

On November 16, 1845, at Post No. 2, G. W. Terrell and T. J. Smith met the Waco, Tawakano, Kechai and Wichita Tribes and concluded a treaty with them in conformity to that made with the other Indians.²² Western, the Superintendent of Indian Affairs, made his annual report to W. G. Cooke, Secretary of War and Marine, on February 18, 1846. He said that the Indians had manifested the best disposition to maintain inviolate the treaties made with them, and to meet the people of Texas in peace and friendship. In concluding his rather brief report in which he mentioned the treaties that had been concluded during the year, he stated:

It must be a source of congratulation, that during the past year as well as at the close of our separate national existence, we have been and are at peace with *all men* both *red* and *white*.

Convinced that the good effects of the Indian policy pursued by the late administrations of the Republic for the past four years, have become the more evident as the more tested.²³

The history of the Indian policy of the Republic, therefore, closed with the peace policy of Houston beginning to work out in practical results.

III. TRADE AND COMMERCE WITH THE INDIANS

Houston emphasized the importance of establishing a well regulated trade with the Indians. He realized that only by making them feel the practical benefits of friendly relations with the government could peace be maintained. His idea was to separate the Indians from the white settlements by a line of demarkation along which Trading Houses should be established for the purpose of promoting trade and friendly intercourse. He believed, that if the savages became dependent on the Trading Houses for the comforts and conveniences of life, they would find it advantageous to refrain from war.²⁴

In order to carry out this policy, Congress passed a law, which

²²Manuscript: Report of Indian Commissioners to Ebenezer Allen, Secretary of State, November 17, 1845. Indian Affairs, State Library.

²³Manuscript: Report of T. G. Western to W. G. Cooke, Secretary of War and Marine, February 18, 1846. Indian Affairs, State Library.

²⁴Crane, "The Life and Select Literary Remains of Sam Houston," 295-296; 320-321; Brown, *Indian Wars and Pioneers of Texas*, 94.

went into effect January 14, 1843, "To provide for the establishment and maintenance of peace, and to regulate friendly intercourse with the Indians." One of the fundamental articles of this act was for the formation of an Indian Bureau to be attached to the War Department.²⁵ Up to this time the Indian affairs of the Republic had been directed in a haphazard way, sometimes by the State Department, sometimes by the War Department, or by the President. The centralization of responsibility, brought about by this act naturally resulted in the more orderly management of the Indian relations of the government. The President was given the power to appoint a Superintendent of Indian Affairs, not more than four agents, and not more than four interpreters. All the agents were required to report at least twice a year to the Chief Executive.²⁶ In accordance with the above instructions the President appointed Joseph C. Eldridge, Commissioner of Indian Affairs. He served until the fall of 1843, when he and the President had a slight misunderstanding.²⁷ Thomas J. Western, who took his place, conducted the affairs of the Indian Bureau until Texas was incorporated into the United States.

After creating the machinery for the conduct of Indian relations, the act of 1843 prescribed specifically the manner in which peace and friendly intercourse with the wild tribes was to be maintained. Trading houses should be located, respectively, at or near the south fork of the Trinity, somewhere between the lower and upper cross Timbers; at or near the Comanche Peak; at or near the old San Saba Fort or mission; at or near Porto Vandro; at or near the junction of the Moras and Rio Grande.²⁸ In his last message to Congress on December 7, 1844, Houston said that all the different tribes of Indians were completely pacified and in regular friendly intercourse with the trading establishments, thereby rendering the frontiers safe from "savage depredations and butcheries."²⁹ As far as the writer has been able to ascertain only two trading houses were ever put into operation

²⁵Gammel, *Laws of Texas*, II, 842-845.

²⁶*Ibid.*

²⁷Brown, *Indian Wars and Pioneers of Texas*, 93-99.

²⁸Gammel, *Laws of Texas*, II, 842-845.

²⁹Journal of the House of Representatives of the Republic of Texas, 9 Congress, 1 Session, 12-13.

during the Republic, and only one of these had been established at the time of Houston's speech. Early in 1843, J. T. Torrey was running a trading house on Tawakoni Creek, six or seven miles southwest of the present city of Waco.³⁰ President Jones granted a license to Mathias Travis on March 6, 1845, to establish a trading house on the south fork of the Trinity.³¹ The buildings were actually located two or three miles from the west fork of the Trinity at the Marrow Bone Spring. A house 36x36 feet, and several sheds were constructed, and the whole was fenced in with pickets. This work was completed in September, 1845.³² The Superintendent of Indian Affairs wrote to the Indian Agent, R. S. Neighbors, on March 2, 1845, stating that a trading house would be located on the Colorado or its waters some time soon.³³ Western also mentioned in a letter of May 2, the probability of a trading house on the Colorado at an early date.³⁴ On May 5, Western informed Richard Fitzpatrick that the President had granted him a license to establish a trading house on the Colorado.³⁵ Whether or not Fitzpatrick succeeded in putting his license into practical use the writer has been unable to determine.

The law of January 14, 1843, also put all trade with the Indians under strict governmental supervision. Not only did the trader have to receive a license signed by the President, but he was obliged to render an account of all the articles he proposed to sell to the Indians. No intoxicating liquors, no firearms or war supplies could be furnished to the savages. If the Indians received the special consent of an agent they might enter the settlements, but while there no person was allowed to trade with them unless he held a written permission from a justice, and only then in the presence of two or more witnesses.³⁶ On Feb-

³⁰Manuscript: Temporary Agreement between Texas and Certain Indian Tribes, March 31, 1843. Indian Affairs, Texas State Library.

³¹Manuscript: T. G. Western to S. W. Kellogg, April 3, 1845. Indian Affairs, Texas State Library.

³²Manuscript: J. C. Spence to T. G. Western, September 7, 1845. Indian Affairs, Texas State Library.

³³Manuscript: Western to Neighbors, May 2, 1845. Indian Affairs, Texas State Library.

³⁴*Ibid.*

³⁵Manuscript: Western to Fitzpatrick, May 5, 1845. Indian Affairs, Texas State Library.

³⁶Gammel, *Laws of Texas*, II, 842-845.

ruary 3, 1845, this exception was repealed by an amendment, and thereafter no person except a regular licensed trader could deal with the Indians.³⁷ In writing to the Indian Agents, Sloat and Williams, concerning this regulation, Western said that it was to be rigidly enforced.³⁸

Certain practical results naturally followed the establishment of trading houses along the frontier. Through the Indian agents residing at these places the government was able to keep in touch with the wild tribes. For instance, alarming rumors were always being circulated, either that the Indians were about to gather for an attack on the settlements, or that the whites were preparing to wage war of extermination on the Indians. On January 10, 1845, three Indian chiefs came to the agents Sloat and Williams at Torrey's trading house, and informed them that wild tales had spread, that when the corn was ripe the whites would fall upon the Indians and exterminate them.³⁹ Williams visited the Indians, corrected this rumor, and assured them that the intentions of the Government were to hold to the agreements of peace.⁴⁰ If the agents had not been in touch with the Indians a great deal of trouble would probably have resulted from this rumor. Another practical result of the trading house was to encourage the Indians to hunt instead of spend their time on the warpath. By bringing in peltries to the trader the Indians were able to obtain the things they wanted without having to steal them. There were some complaints concerning the high price of goods at Torrey's, but Western said that he did not credit the statement.⁴¹ He instructed Sloat and Williams, however, to see that the Indians received fair treatment.⁴²

³⁷*Ibid.*, II, 1138-1139.

³⁸Manuscript: T. G. Western to Sloat and Williams, Indian Agents, February 12, 1845. Indian Affairs, Texas State Library.

³⁹Manuscript: Talk of Jose Maria, Bintuse, and Black Cat to Sloat and Williams, January 10, 1845. Indian Affairs, State Library.

⁴⁰Manuscript: F. H. Williams to T. G. Western, July 16, 1845. Indian Affairs, Texas State Library.

⁴¹Manuscript: T. G. Western to J. F. Torrey, January 3, 1844. Indian Affairs, Texas State Library.

⁴²Manuscript: Western to Sloat and Williams, January 4, 1845. Indian Affairs, Texas State Library.

IV. MEASURES FOR FRONTIER DEFENSE

The administrations of Houston and Jones are marked by a conspicuous absence of Indian wars. Congress did not pass a single act which provided for offensive action against the Indians. There was an attempt by the President to do away with the old idea of retaliation and revenge, and to institute in its place the more humane principle of adjustment of difficulties by counsel. When depredations were committed by the Indians, an attempt was made to fix the blame where it really belonged, instead of rushing madly after whatever Indians could be found. Of course all trouble with the Indians did not cease at once under the new peace policy, and it was still necessary to provide for the protection of the frontiers.

In 1842 the sum of twenty thousand dollars was appropriated for frontier defense.⁴³ A joint resolution went into effect July 23, 1842, authorizing the President to accept the services of one company of volunteers to range on the Trinity and Navasota Rivers, and two companies to range on the southwestern frontier.⁴⁴ Most of the acts relating to the protection of the southern and southwestern frontier were passed for the express purpose of preventing a surprise attack from Mexico.⁴⁵ An exception to this was an act approved January 23, 1844, authorizing John C. Hays to raise a company of mounted gunmen to act as rangers on the western and southwestern frontier "as the public interest may require."⁴⁶

The main object of keeping a force on the frontier was to prevent the Indians from entering the settlements. It had been arranged in the treaties of 1843 and 1844, that the chiefs would not permit the Indians to cross the line for any purpose whatsoever, without a passport from an agent. When Indians entered the settlements without permission, they were sent back to their homes as soon as possible to avert trouble. In May, 1845, a party of Delawares crossed the line, and Mr. E. Mabry asked for a special permission to have them remain, but Western informed

⁴³Gammel, *Laws of Texas*, II, 770-771.

⁴⁴*Ibid.*, II, 816.

⁴⁵Gammel, *Laws of Texas*, II, 846; 746; 961.

⁴⁶*Ibid.*, II, 943.

him that this would establish a bad precedent and refused.⁴⁷ The Superintendent of Indian Affairs wrote to the agent, Neighbors, on the following day instructing him to have Colonel Hays send the Delawares near Bastrop out of the country.⁴⁸ In all its dealings with the Indians the policy of the administration was, never to be the aggressor, but if the Indians made a raid they were to be severely punished and if they entered the settlements without permission they were to be put out by force if necessary.⁴⁹

After the two invasions by the Mexican armies in 1842, an extensive system of protection was established on the southern and western frontiers. The Indians, having in general assumed a peaceable attitude toward the Republic, did not require a large force of rangers to keep them from harassing the settlers.

V. COST AND RESULTS OF THE PEACE POLICY

The total expenditures of Houston's second administration were only \$511,083 for the three years 1842-1844, as compared with \$4,855,215 for the preceding three years. The financial condition of the country at the beginning of Houston's term was deplorable, but when he retired from office he said that the reports of the Secretary of the Treasury would show that the finances of the country were in a "most healthy and prosperous condition."⁵⁰ During Lamar's administration the expenditures on account of Indian affairs had amounted to the enormous sum of \$2,552,319. The total cost of Indian affairs as operated under the peace policy during the years 1842-1845 amounted to \$139,092, of which \$94,092 was spent during the three years Houston was President, and \$45,000 during the year 1845 with Jones at the head of the Government.⁵¹ The operation of the peace policy had, therefore, brought an enormous reduction in the cost of Indian relations.

⁴⁷Manuscript: Western to E. Mabry, May 19, 1845.

⁴⁸Manuscript: Western to Neighbors, May 20, 1845. Indian Affairs, Texas State Library.

⁴⁹Manuscript: Western to Sloat, July 27, 1844; Western to Slater, September 5, 1844. Indian Affairs, Texas State Library.

⁵⁰Journal of the House of Representatives of the Republic of Texas, Congress 9, 13; Miller, *Financial History of Texas*, 25-26.

⁵¹Miller, *A Financial History of Texas*, Note 25. Statement of expenditures on account of Indian Affairs prepared by the Comptroller, 1854.

In spite of the beneficial results of Houston's peace policy, which must have been quite evident, his opponents never lost an opportunity to score him for his soft-hearted attitude toward the Indians.⁵² However, the criticism was not of a quality to disprove the practical benefits accruing from the peace policy. In spite of all that was said to disparage the conciliatory attitude of the government, Houston's policy resulted: (1) in the successful negotiation of treaties with all the Indian tribes; (2) in the establishment of trading houses; (3) in the reduction of Indian disturbances on the frontier, and the consequent need for less protection; and (4) in the great reduction of the cost of Indian relations.

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MEMOIRS OF MAJOR GEORGE BERNARD ERATH¹

LUCY A. ERATH

I

1. YOUTH IN AUSTRIA AND WURTEMBERG, 1813-1832

I was born on the first day of January, 1813, in Vienna, Austria. My father was German, from the Black Forest district in Württemberg; my mother was of Greek origin, though a native of Vienna, which is a conglomerate of many races. My father's people had been tanners for generations; a kind of class system prevailed there—the sons being brought up to the vocation of their father. I do not know how long my own family had been tanners, but my father's brothers carried on the ancestral business in their native place of Rottenburg on the Neckar River, an ancient town of perhaps five thousand inhabitants, twenty miles from Stuttgart and seventy-five miles from Strassburg. My father, having gone to Vienna, there owned his own tan-yard. He may or may not have intended me for a tanner; he took particular pains with my education, beginning it with private tutors in the home before I was six years old. At six I was sent to school, and at nine I entered Santa Anna college, where I gained a little knowledge of Latin preparatory to entering a university. I studied diligently all foreign languages, particularly English and Spanish,

¹As surveyor and Indian fighter—the former by choice the latter by necessity—Major Erath gained an "extensive knowledge of the lines and corners of the old surveys in Milam land district." "Having an extraordinary memory and being a close observer," he was continually appealed to by parties interested in those surveys to straighten out tangles of all sorts. (De Cordova, *Texas: Her Resources and Her Public Men*, 128-130.) His life on the frontier and his numerous encounters with Indians furnished him with a fund of information that has greatly appealed to newspaper correspondents and local historians. (Sleeper and Hutchins, *Waco and McLennan County, Texas*; Wilbarger, *Indian Depredations in Texas*; Brown, *Indian Wars and Pioneers of Texas*; A memorial and biographical history of *McLennan, Falls, Bell and Coryell Counties, Texas*; De Shields, *Border Wars of Texas*.) Yielding to the importunities of these writers, Major Erath, in 1886, dictated his recollections to his daughter, Miss Lucy A. Erath. "At the time these pages were written," writes Miss Erath, "my father was seventy-three years of age, in very poor health and blind. Mentally, his vigor was the same as it had always been, and as it continued up to the day of his death, May 13, 1891." Miss Erath put the manuscript in shape for publication in 1916. Only slight changes have been made in the manuscript in its publication—E. W. WINKLER.

as I thought they would be of service to me in the new countries of America, toward which even that early my thoughts were turned.

It was a bold dream then, that of going to America from Austria. For Austria did not encourage emigration; she barely permitted it, and would not allow a youth of the age for military service to leave the country unless he gave good security for his return at a stated time. Austria wanted her subjects for her own service; she wanted the young men of her land for foreign wars. Austria has advanced much since then. At that time she ruled with a despotic sway, and was much behind Germany. The latter country compelled a man on reaching the age of twenty to serve in the army, but so far behind this was Austria that she exempted no age from conscription, and a boy of fifteen was liable to it. She pressed her subjects at a moment's notice, and rushed them off to some foreign war for, perhaps, a fourteen year's term of service.

I was sent to the Polytechnic Institute at the age of twelve. The regulations did not admit any one under fourteen, but as we had friends of influence to help us, and as I had advanced sufficiently, I was smuggled in, and there received instruction in science generally for nearly two years. Then my father died, leaving an encumbered estate, and I went home to work and to help take care of my mother and the younger children.

My father's apprentice managed the business, but one day the proper authorities suddenly notified this young man that he had escaped his fate long enough. He was a Bohemian, and had been overlooked for such a length of time—ever since his presence in the city—that he had imagined himself to go free. But following this notice of conscription, he was marched off in such haste that he had not even time to come to us with the news. We, however, knew well enough where to look for him, and I tried to get a few parting words with him when I carried to him a bundle of his clothes and belongings. I saw him among the other soldiers with a musket on his back, and as I said farewell to him I also said farewell to Austria as the land of my allegiance.

As it happened his fate helped to settle mine. My mother began to worry over my conscription; I was now past fourteen. Austria was a land of bribery, and the oppressed people thought

it no harm to evade tyranny in any way possible. Friends of influence were again called to our aid, and I was secured a passport for one year's leave of absence to visit Germany, where my father's people (so my mother trusted) would find means to prolong my stay after the time had expired. I set out for Germany, traveling on foot, carrying my heavy baggage. I got a lift in a vehicle, something like our stage, as far as Linz; from there I walked but a little distance before another vehicle gave me a lift as far as Braunau on the Inn River. Here was the Austrian boundary line. Into Bavaria I had the company of a party of seed peddlers, also traveling on foot, who made the way lively until we separated beyond Munich. Then I again jogged on by myself until I came to Ulm on the boundary of Würtemberg, and there I was fortunate enough to meet up with wagoners from my father's town of Rottenburg, who were hauling bark to Ulm from the Black Forest. They gave me a lift for fifty-five miles, until I was set down at my aunt's door in Rottenburg on midnight of the same day that saw us leave Ulm.

Owing to the lateness of the hour my relatives were not aroused to receive me. I had a very good feather bed in a loft, and slept sound till morning, when I was wakened by my aunt to be ushered at once into the presence of numerous cousins of my own age. They talked to me all together and in the Suabian dialect which I found difficulty in understanding and mastering for replies; but an uncle came to my rescue, addressing me in High German, and after that I was able to hold my own. They led me around to meet about a hundred relations. I saw my grandmother, a very old woman, she must have been over ninety, and yet she was in the habit of walking a mile to early mass of mornings.

My father's brother Jacob gave me a home. He was a tanner, of course, carrying on the business on such a scale as it could be done there. But his shop, half a mile from the house and on the banks of the Neckar River, could hardly be called a tan-yard. There were forty or fifty tanners in that town each conducting his own shop, and not one of them had use regularly for a journeyman. My uncle employed no assistant, and he could have picked from any number of regularly bred master tanners, ready to work, had he needed one. Under the customs, trades-unions, or laws

of the country, an individual who had not served a regular apprenticeship to a trade was not allowed to work at it, except that a son was always considered an initiated journeyman in the trade of his father. My people were all well to do, and my uncle was wealthy with no children of his own. I became a favorite with him and his wife. They gave me money to spend, bought me books, and my uncle procured me admission to the public libraries and the reading-room. I had a comfortable home and no work, but nominally I was supposed to be growing up in the ancestral business, a tanner. The town was not without advantages, though a small place of no progress. Noted baths at a short distance made it the resort of strangers now and then, and the ancient university of Tübingen was only six miles away, with one of its branches in the town. Professors and students frequented the streets, and I became acquainted with them, as also with members of a higher class than my own. I had every opportunity given me for study and improvement.

Nor was the condition of the country at this time an unfavorable one for a quiet and comfortable future for any one disposed to it. The government of Würtemberg was decidedly fair and liberal. The people were honest; I heard of no crime. It was revolutionary times; the insurrection of 1830 drove the Bourbons from the throne of France, the North German States forced changes in their governments, Poland revolted against Russia, France sent troops to Rome to protect the pope, and the Austrians quelled petty revolutions in Italy; yet through it all Würtemberg and Baden, the two extreme southwestern German States, declared themselves satisfied with their rulers and system of government, and put down every attempt of the agitators. Once the students of the University of Tübingen made patriotic speeches in behalf of the unification of Germany; they were immediately dispersed by the citizens. Jestingly this was called our revolution. The condition of the times in Würtemberg was good.

But I had set my plans for a future in the new world, and I still looked forward to realizing them. I said little about the matter to my relatives because I knew well what their views would be; they would tell me that no good could come of straying away from the home place—that a son should live as his father before him—that my own father had not long prospered

in departing from the customs of his ancestors. An uncle was often cited to me, or to any of the young members of the connection, who, bolder than was necessary, took a fancy to do something not in accordance with old tradition. Our uncle Caspar, we were informed, had gone off soldiering for the mere liking of it, preferring that life of adventure to the tanner's. In consequence, where was he now? killed at the battle of Hohenlinden! I do not suppose that any one of my four older aunts had ever been ten miles from the native town in all their lives. They held minutely to all ancient usages, wore gold and silver caps and costly national costumes, and I remember were particularly down on one of the cousins for dressing *French fashion*, as they called it, with high-heeled shoes and other innovations in style permitted by the growing prosperity of her father, a brother-in-law in the family.

It was an old world town in old world times. At that day there was not a railway on the continent of Europe. England had a few short lines, and at Vienna eight or ten years before I had heard talk of one to be built in the near future, which had nevertheless not been built up to this time. After I came away from Vienna, and just before leaving Würtemberg, I read of the first steamboat being launched on the Danube, but by the awkwardness of the pilot it was run aground and made useless. I heard of one on a lake in Switzerland, and perhaps there may have been some others. When later I was in France I found five dingy steamboats on the Seine running between Paris and Havre; but while the distance between the two places by water is about 250 miles, and 160 by land, it took the boats four or five days to make it, and the stage only twenty-three hours. Although charging higher for passage, the latter was the cheaper way, since the cost of living in France was high. My astonishment may be imagined when, on my arrival direct from Havre, I found forty or fifty clean-looking boats lying along the wharfs of the Mississippi. I formed the opinion that the steamboats on the waters of the Mississippi alone outnumbered the same kind of craft in Europe fifty to one.

About the beginning of the year 1831 my uncle took sick, and in the latter part of April he died. He had talked of making me his heir, but had not done so, and I with a great many others

came in for a share in his property. Though the time of my leave of absence from Austria had expired, nothing was said of my return home. My mother had remarried, and was now troubled over the fact that my younger brothers were approaching the age of military service, which I so far had escaped but which I must expect should I return home. I had spoken of my determination to go to America. Before his death my uncle had known something of my desire and had neither sanctioned nor forbidden me to consider it. My aunt-in-law now declared that if go I must I should have the means.

The passport system of Germany was the great difficulty in the way. I might have remained in Rottenburg any length of time, though my permission was for one year only, but the authorities could not pass me on farther west but only toward home. The mayor of the town, a friend of my uncle and well disposed toward me, being the proper person to address on the subject, was interviewed, and declared that no notice would be taken of my staying in Rottenburg instead of returning home, but as to my going farther he could only endorse me as of good character during my stay. As it was really his duty to send me back to Austria, now that my time was out, I could not complain. A kinsman of my aunt-in-law, a man of much influence in the town, now appealed to the district magistrate, and the latter made a suggestion: he said that with my character properly endorsed by the authorities any gentleman of note, traveling in his own carriage, could take me along as one of his retinue to Strassburg, and there I could easily buy a passport under the new liberal system of the French. He stated further for my benefit that his brother-in-law, Colonel De Wind, a retired pensioned French officer living in Rottenburg, went to Strassburg every year to draw his pension in person. My friend then went to Colonel De Wind. He was a monarchist, though drawing a pension from France, objected to revolutions, the changes of the times, and liberal ideas in general, and did not want to help anyone on the way to a country teeming, as France was considered to do then, with all such things. But at last he reluctantly consented to take me with him, and gave the date of his departure. It was now almost a year since my uncle's death.

I went around to all my relatives and took leave of old and

young, friend and foe. I found myself considerably richer, too, when I had gone the rounds; for each of the older ones gave me a crown thaler according to the time-honored custom, which required a present to be made to any young member of the family marrying or leaving on a long journey. A hundred florins had been made up for me, but at the last moment when I was departing down the steps from my uncle Jacob's house, having said good-by to my aunt-in-law, that kindest of relatives followed me with her basket of coin and begged me to take more, as she feared I was not sufficiently provided for such a long journey. I did not take more, but assured her that I had enough.

2. THE JOURNEY TO AMERICA, 1832

We set off in fine style on the morning of the 5th of April, 1832. I was under the protection of a sprig of the nobility, and his liveried servants rode outside on horseback, I inside with him. Our conversation of that day is fresh in my memory. Colonel De Wind thought I was doing a very wrong-headed thing in going to France, "a country," he repeated, "of revolutionary changes and liberal ideas." I told him I wanted only to get through France and on to America. He said, "Well, if that is the case, you hurry on; there may be a counter revolution in Paris at any moment." Louis Philippe was then on the throne of France, and remained there sixteen years longer before the revolution came. Colonel De Wind had a favorable opinion of the Americans, whom he considered a settled people like the English. The French, he informed me, were more likely to demand whether I had means to support myself than a passport. I told him that I not only had the money to carry me through France but also a certificate to prove that I had an interest in the estate of my grandmother, and also of my uncle. We crossed the line between Würtemberg and Baden on a mountain after dark, and the next morning about five o'clock reached Offenburg. I remember the beautiful town of Offenburg distinctly, and also a little experience I got there. The Colonel stopped to remain the day and night with friends, and told me to go on in the coach with the horses and servants to an inn. Being the only occupant of the carriage when it reached the inn, I was received with many flourishes and all the

courtesies due a gentleman traveling with his own equipage. I paid, too, like a gentleman, when the bill was presented at my departure.

No *gendarme* or other official asked for a pass until we got near the Rhine. The Colonel informed me that I must now ride outside so that in case any questions were asked I could be passed as one of his retinue. At the bridge the German officers came out to meet us and to know who we were. The Colonel gave his name and rank, and bows and smiles passed us onto the bridge. A like course was pursued by the French officers on the other side, and I was out of Germany.

I ate dinner with Colonel De Wind in Strassburg, and then shook hands with him. He lectured me to the last as to how I should conduct myself if I fell in with revolutionary movements. An hour later I took the stage for Paris and traveled day and night. A passport was not demanded at Metz, the official accepting instead the recommendation of character furnished me by the Rottenburg authorities, and so I reached Paris.

I knew that the cholera was raging in Paris; the fact had been used as an argument against my going there. As we entered the city the stage was met every few hundred yards by squads of men bearing corpses, coffinless on planks, covered with sheets. Broad daylight though it was, sometimes the procession would be followed by a man with a lantern, "for the soul of the departed to find Heaven by." At intervals black wagons were seen with numbers of coffins in them, and followed by mourners on foot and in carriages; and again the dead of the nobles would go by carried in ornamental caskets with draped horses and mourners in carriages. On account of these processions over an hour was taken up in reaching the *Messagerie Royal*, or Royal Depot for Stages. Here the confusion was something like that of our own railroad stations at the present day, and I was amazed at the number of people anxious to show me hotels and sights of the city. I followed a German Jew to a boarding house, where I thought myself fortunate in getting enough beef and bread to dine on without wine for a franc. I was aware that a customer not ordering wine was hardly considered worth his trouble in France, where a man is, or was, charged three francs for his dinner including a bottle of wine, which he paid for whether he tasted it or not. As for

me, I was no winebibber. I even had a distaste for the beer of my native land, and had incurred the censure of patriotic countrymen in Würtemberg for not being one of them in this respect.

With the cholera at its height, with over two thousand deaths a day, Paris was somewhat dull and the much talked of counter revolution a hoax, and I left after a few days. I found the cholera ahead of me at Rouen, and got on quickly to Havre, from which place the American brig *Motion*, owned in Baltimore, was to sail in a few days for New Orleans. As an objective point in the United States I considered New Orleans better than New York; from the first mentioned, if I should not like the United States, I could go more quickly into Mexico, the land toward which my inclination was most set at that time. The fare, too, was fifty francs less to New Orleans than to New York, though New Orleans was fifteen hundred miles farther. So to New Orleans I engaged passage—steerage—at once. The brig I think brought cotton to France, and not getting any other freight to carry back arranged to take passengers. Of these there were perhaps one hundred and more, German and French. No trouble as to passports came up, and we sailed out with the rising tide at eleven o'clock on the morning of the 18th of April.

Now that I am done with Europe, a few statements as to how I was placed when I left there. With nothing to expect from my native Austria but despotism, I felt little regret in leaving; I had ever been considered an alien in Würtemberg though that country, I admit, had a free government as compared with other parts of Germany. But it has been a matter of much regret to me that I came away without seeing my mother. She was in distressed circumstance, too, when I last heard from her while in Würtemberg. My letters to her had to be directed to the care of an old friend, a school teacher, who was helping the family and teaching my youngest brother. But hatred of Austrian despotism had been early instilled into me; to return home meant but to submit to it. After reaching the United States, before coming to Texas, I sought a priest with the intention of asking him to take some letters home to my mother; I had heard that he was on the eve of departure for Vienna; but he met me sharply, lecturing me on my not coming to church, and I, with my temper up, left him without asking the favor. Later in Texas, I

tried to get letters through to my mother in Vienna, but I have never heard from her. It was not an easy thing for one settled on the Texas frontier to communicate with other parts of North America at that time. I did get a letter through to Würtemberg, for the answer came, with no reference to my mother, but with much concern from some of my kin folks who feared I should claim what I was entitled to in the way of property there. I never troubled myself again to communicate with Würtemberg.

Americans have been surprised at my association here with Americans alone, and regarding the German not as a fellow-countryman, but simply according to his behavior as a citizen of the United States or of Texas; but the fact is that I left the whole of that land, Austria and Germany, deeming that I owed no allegiance to either. Germany treated me as a foreigner, and one to be returned at the demand of her ally Austria. At that time Austrian influence prevailed over Germany and Prussia. Now, this is entirely changed, and I note also that the Americans have found out, too, that an Austrian is not a German.

On the voyage over everybody on board except the sailors immediately became seasick, and before night of the first day it was ascertained that something worse than seasickness was with us, namely, cholera. There was no physician on board; the passengers were poor people, badly provided, and had no idea where they should go after arriving at New Orleans. One German family was on the way to Cincinnati to meet a kinsman; a French family on board had a cousin in St. Louis. Two of the passengers, Germans, once in the French service, had been at sea before as prisoners of war on an English vessel.

The ship had sailed from New Orleans with a crew consisting of captain, mate, supercargo, eight sailors, and a black cook. One of the sailors died at Havre; another deserted there; and now on the return voyage there were really only four because two of the remaining six were drunk and these two were soon among the dead of the cholera. I made myself of service, and for the whole of the way was employed to issue wood and supplies and to clean up the ship inside. Not one of the ship's company could speak any other language than English, except the supercargo, who was a Hollander and spoke a dialect of the German not easily understood by the Germans on board—all from the southern part of

Germany. This supercargo had also learned French grammar and a few complimentary words in that language, but could not convey one practical idea to the French on board. Of the passengers, not one, French or German, could speak English except myself. My pronunciation was very faulty, but I knew the grammar and orthography, and the captain soon discovered that I was the best medium of communication with the passengers. When we found any difficulty in understanding each other's spoken words, the same written immediately made all clear. For my services as interpreter the captain took me to the cabin for my meals.

It was decidedly a gloomy time, with continued rough sea, contrary winds necessitating constant tacking, sickness and death, and the steerage Catholic people spending more time in praying than in trying to better their condition. However, after a time the region of the trade winds was reached and prospects brightened. Now, too, an addition to our company was found in the shape of two men on board who had paid no passage. They had been smuggled in and hidden away by the two drunken sailors already fallen victims to the cholera. A bag of bread had lasted the stowaways for this length of time. One was a German of trifling character, the other a Polander who spoke French, and was now put to work and became a sailor before the voyage was over.

During the first days of June, while we were traveling on at the rate of ten miles an hour, the wind turned to a gale from the southeast and on the night of the 6th to 7th of June we were treated to a hurricane. The ship was dismantled to her lower joints, and the rigging, falling overboard on the leeward side, dragged the ship nearly on her side. The tool chest had gone overboard and there was a demand for some instrument with which to cut the rigging holding the mast and puncheon on the side of the vessel. The Polander and I called to two passengers who we knew had chests of tools, but all the people were busy praying for their lives, and the call was unheeded. I found a chest, the Polander kicked off the lock, and we obtained a hatchet and drawing knife and in a few minutes the ship went clear. The waves were mountain high, but Captain Voight declared us out of danger, as the craft was too strong when not in contact with banks or rocks to leak, and the wind could have no effect on her while her mast stood.

We ran over the Bahama Banks on the eve of the 9th of June and approached the coast of America. Observations could not be counted certain for longitude and we spoke a British schooner from Barbadoes to Nassau. A few days later near the coast of Florida a Spanish captain called on us for like information, saying also that he could speak no English. Captain Voight could speak a little Spanish but preferred to give me the trumpet and I answered. The next day we passed the capes of Florida, and sailing on with moderate weather found ourselves on the morning of the 21st of June at the mouth of the Mississippi.

It was a matter of much surprise to me to note the liberality of the American custom house officials in taking Captain Voight's word for it that he had nothing on board but two crates of crockery which he would report to the custom house at New Orleans, and poorer class passengers with common baggage. In all there was a delay of perhaps fifteen minutes. He delivered a list of the passengers and casualties, and polite speeches and compliments passed him on his way, whereas in most places in Europe half a day would have been taken up in examinations. The wind blew us up the Mississippi rapidly and we overtook and passed a British vessel in full sail. This gave me my first admiration for American ships. On the night of the 22nd of June we dropped anchor opposite New Orleans and fastened to another ship which was fast to the bank of the Mississippi.

3. GETTING SETTLED, 1832-1834

The sickly season was just setting in at New Orleans. Added to apprehension of yellow fever was fear of the immediate breaking out of cholera. All who could do so were getting away from the town as fast as possible. The captain, whose wife was in the place, left the ship on the morning of our arrival, but my funds now being low I stayed on with the mate for another night. And I was not alone in staying; about forty other passengers remained for like reason. The second evening I went on board a steamboat for Louisville, but on account of low water I never got there. I was surprised at the cheap rates: four dollars for the whole distance, and two or three dollars I found would purchase provisions for two weeks.

We stopped a short while at Natchez and Memphis, but came to a halt at Paducah, fifty miles from the mouth of the Ohio and directly at the mouth of the Tennessee. Here I made the acquaintance of an American tanner from Florence, Alabama, who, questioning me as to my profession, discovered that I was something of a tanner, and told me I could get good wages for that work at Florence. I had no intention of following the tanning business, and said so. I told him I wanted to learn to farm. Being a good mathematician, I could engage in engineering or surveying, or could clerk in a store, where I thought my knowledge of languages might be of service. He advised me to stick to my trade, and several gentlemen bystanders endorsed him therein. But I paid little attention to the advice. I determined to go on to Cincinnati, since I had come so far, and seek employment there, in order to raise funds. I thought it didn't matter where I went to learn Americans and American ways and to perfect myself in the language, but already my inclination was to live in the South. The tanner cordially invited me to Alabama.

At Cincinnati I immediately fell in with a German, and was carried to a German boarding house, where I engaged board at two dollars a week. I knew that I must go to work at once as my money was spent. I found work the first hour, the old and hated tanyard work, at seventy-five cents a day. I made four and a half a week, and saved two and a half, as I spent nothing outside of board. I bought no clothes; the fine ones made up or purchased for me on my leaving home outlasted my travels. Later some of them were traded in Texas for cattle; a costly broadcloth coat which had been my father's I traded for a sow, and the sow died immediately.

While in Cincinnati I heard for the first time of temperance societies and of religious sects which prohibited strong drink. I had been ridiculed at home for my dislike of all alcoholic drinks, and here in America I found it was a recommendation to me; but I must add that Americans drank stronger drinks, and to less advantage than the Germans. Still I took up the idea that this was the greatest boon yet of American liberty—a man's being able to refuse to drink with his comrades without being laughed at. I heard much of religion and of different denominations, but I never entered a church in Cincinnati, except the time when I

hunted up the priest to carry my letters home. I have never come in contact with a Catholic priest since then, fifty-four years ago, nor spoken to one except once, not from antipathy, but just through a strange chance. The one exception was in San Antonio, where I found a priest engaged in chicken-fighting in front of a church, and I remarked to him in Spanish that men of his profession in my country did not engage in such business as that.

When I had saved ten dollars for the expenses of a trip down the river and up the Tennessee, I went to Florence, Alabama, and was received by my friend the tanner, who introduced me to another, McKinney, and he engaged me at eighteen dollars a month with board and every other expense paid. I was entirely among Americans, and liked the association, but would not engage to remain a year as McKinney wanted me to do.

By this time I had heard much of Texas, a land barely known in Europe. I had learned now that it was a separate province of Mexico, and my thoughts turned to it all the more for the many contradictory statements I heard concerning it. On the 23rd of March, 1833, I bade adieu to my new friends and sailed down the Tennessee and the Mississippi on one of the longest boats, the *Sampson*, that floated on Mississippi waters, carrying underneath and on deck and in tow 4,000 bales of cotton, the largest cargo of that kind so far ever brought to New Orleans.

The only craft I found going to Texas soon was a schooner, the *Sabine*, commanded by Captain Brown, and I engaged passage at once, fifteen dollars to Brazoria, to eat in the cabin but to sleep on deck, a thing which numbers had to do as the cabin was small and full. I saw little of the town of New Orleans, but got my first glimpse of a railroad there, one leading from the city a short distance to Lake Ponchartraine.

On the fair sailing voyage from New Orleans and Mobile to Texas I made the acquaintance of two noted Texans, returning from business trips to New Orleans. One was General Somervell, with whom I fell in repeatedly afterward in war times in Texas, and the other, David Ayers, then merchandising at Cole's Landing, afterward well known for years as the editor of the *Christian Advocate* at Galveston. The latter gentleman told me much of the advantages of Texas, but those advantages for the next twelve months I failed to find.

Brazoria at this time was perhaps the most prominent shipping point in Texas. Galveston had no inhabitants. Harrisburg was a little town to which schooners and small craft brought goods from New Orleans. Neither Houston nor Galveston was laid off till after the battle of San Jacinto. Matagorda on the Colorado and Anahuac on the Trinity were smaller shipping points. The Brazos was deemed navigable to Bell's Landing, ten miles above Brazoria.

During the revolution of the year 1832 the Texans took sides with Santa Anna, and expelled the Mexican garrison at the mouth of the Brazos, as well as all others in Texas east of the San Antonio River. After this engagement in June, 1832, the town of Velasco was laid off near the site of the battle, and it now had about fifty inhabitants. The houses were mere shanties with one unfinished two-story building—its sides half open. The making of salt from water obtained from salt wells near the beach comprised its business, and this was conducted on a very small scale by the two brothers Porter.

With John W. Porter then just out from Tennessee I afterward formed an acquaintance to last a lifetime, and a little later I made salt with him at Velasco, but on the occasion of my first visit to Velasco I saw little of the place. We delayed half a day putting out goods, and then sailed up to Brazoria, where we arrived the last day of April, 1833.

Brazoria was more advanced than Velasco, though surrounded by Brazos bottom. It must have had forty or fifty houses—one half completed, built of pine lumber brought from New Orleans or Mobile. I met two young men in Brazoria who told me much of Mexican affairs, and that at this particular time Santa Anna and his government were rather approved of by the Texans. These two young men were John A. Wharton and E. M. Pease, the latter afterward governor of Texas.

Transportation to the interior was by oxwagon—four to six yoke to one wagon, conveying three to five thousand pounds. The commerce, of course, was small. People near the coast could keep themselves moderately well supplied. Farther in the interior (and I might say that on the Brazos San Felipe was about the center settlement) imported articles could be obtained only when some trader had been below and brought up a wagon load, which was

soon sold out. The roads were mere openings in the woods and tracks of earlier wagons on the prairies. The business of transportation was carired on by men who owned their outfits, or by others working for the owners for one-half the profits. Sometimes men well off and well circumstanced followed the business from the love of it, liking for camp life and such company as was obtained by it. In winter and in early spring, when the roads were very wet, business would almost suspend. It was at any time hazardous. Two or more wagons traveling in company would never separate so long as they were going in the same direction but one would wait for all and vice versa; if the carelessness of a wagoner lost oxen at night the whole caravan of wagons waited for the lost to be found. Oxen, turned out hobbled or perhaps free to graze at night, would sometimes wander off a few miles. Perhaps another pair would go astray while the first was being hunted. I have known wagoners to camp a week in one place, delayed by the straying of oxen, and similar delays might occur more than once before a destination was reached. Such transportation was little changed until annexation.

On the morning of the first of May, in company with other travelers, I threw my baggage on an ox wagon and we only got out to the Brazos bottom, where we stopped with a large encampment of wagons delayed by such a cause as I have mentioned. We remained for several days till a party of Mexicans with horses for sale joined the encampment, when some of us bought horses on which to proceed. The average price of a Mexican horse, since erroneously called Spanish, was ten dollars, which had to be paid down to the Mexican in gold or silver. An American asked double the price, but would take part in paper or trade, or give credit. My companions had with them saddles of the old American or English style, considered worse than none here in Texas on the sharp-backed Mexican horses. With a rope around the nose of my animal, I rode bareback carrying a blanket and valise. In two days we arrived at San Felipe, where I obtained a saddle. The country was extremely wet, the watercourses overflowed, and Indians, said to be a hundred years old, declared the Brazos had never been so high before.

I proceeded toward the Colorado. I remained a day with a German named Fordtran at his home. But finding the country

toward the Colorado impassable I returned to the Brazos. Near Brazoria I waited a week in the same wagon camp where I had been delayed before. From Brazoria Captain Brown and I proceeded to the mouth of the Brazos in a canoe. In a very undecided state of mind, half inclined to try Tampico or Vera Cruz, I engaged with John W. Porter to work at common labor, salt-making at Velasco. Porter with his brother was only temporarily engaged in salt-making; he expected to acquire the means to provide himself with a wagon and team to move to Cole's Settlement in the fall. Cole's Settlement was then the highest of any note on the Brazos.

I had been at work about a week when I took the bilious fever of the country, and hardly knew what was going on for ten days or so. In that time the cholera had also visited the place, and four or five people were dead from it. I was not equal to work again for more than a month and could not clear my board. But Porter encouraged me and others as well. Porter held out the hope of the upper country for me for the winter and assured me I would get acclimated there, and offered to teach me farming. From that time until his death in 1846 as county judge of Burleson County we remained friends, and I have ever remembered him and his family with gratitude. Right here I should like to express my appreciation of the people who were the early settlers of Texas, as I found them. They were honest and cordial and neighborly. Most of them were Americans; the greater number came from Tennessee, Mississippi and Arkansas. Though with very different stages of intelligence among them, at least two-thirds could read and write. Farming and stock raising formed their chief occupations, but the farming was carried on in a very primitive way, except near the coast, where there were slave owners. Families were very comfortably established in double log houses, with rock chimneys and plank floors; the planks were sawed by hand. There were also log cabins with the bark on the logs; one room harbored the whole family, and comers and goers. The Texas wind found the cracks between the logs and sometimes helped the fire to set the log chimney ablaze. When the log chimney conspired with the fire to roast the occupants on a cold day, nothing remained to do but to climb up on the roof and

throw down the chimney, thus placing the small room still more at the mercy of the icy norther.

Schoolhouses of logs were found in the thicker settlements; but seldom was school kept continuously in them for a year. The same houses, or the shade of a tree, did for religious services; preachers of all denominations were passing and repassing. But with the exception of the Mexican element there seemed very few Catholics. The Mexican constitution of 1824 in substance varied little from that of the United States, except that it required any one desiring citizenship, or having citizenship, to become a Catholic. For this reason the formality of being baptized into the Catholic Church was gone through with at an early day by the first settlers; but they were only nominal Catholics, and the practice had been abandoned ere this time.

About the middle of September, 1833, Porter with his family started in the oxwagon he had bought. I had already gone up to Bell's Landing, having helped so far on a flat boat which carried freight between Velasco and that place, and I joined them there. We were two weeks getting from Bell's Landing to San Felipe, a distance of fifty miles, owing to the swampy country and constant rains. We then made forty miles in three or four days, arriving at the twenty acres of land and small house which Porter was to rent at Cole's Settlement. I was still more or less sick with the bilious fever, and it was considered no time to begin farming. So we each sought some other employment, but before we could get work it was found that the place we rented had been sold by the owner. Porter had rented it from an agent. The purchaser was come from a distance to take possession. Our agent had been legally authorized to rent it, but the owner lived at a distance and sold at a distance, and so we were two families both desiring possession. The new owner compromised, and agreed to build a house for us to live in until we found some other place.

Porter wished to settle in Robertson's colony, as the law preventing North Americans settling there had been repealed and we now had sufficient information about the country no longer to fear Indians near the San Antonio road and about the Brazos. The prospect of obtaining land, however, was small. We went prospecting at Christmas time, and found an old man living ten

miles below the boundary of the colony who had been there thirteen years and raised his large family there. He had a league of land and an unfinished house of one room. Ten acres of the land in the Brazos bottom had been overflowed that year and his corn drowned out. His force in his own family of four grown sons would have been sufficient for all the land he had in use, but he offered us one-fourth of his cleared land free for clearing as much more. This would be only five acres for us, but it seemed our best chance to get land, and the Brazos bottom was considered certain to make forty or fifty bushels to the acre. We could at least make a start so as to have grain near at hand when moving into the new colony. Besides there was a dilapidated field nearby which we could use free by rebuilding the fence washed down against the trees. So we accepted the offer, moved some time in January, 1834, and went to work, and in a manner carried out our contract during the year. The labor came awkward to me, as I had never done anything of the kind before; besides I was sick the whole summer, still not having recovered from the acclimating bilious attack, and the place was considered a sickly one. Porter moved his family in August to Tenoxtitlan.

I traded my clothes brought from Germany for cattle and hogs; I have mentioned the coat, which was my father's in Vienna; the sow I bought with it died at once, and a horse which I had traded for corn went the same way. Still as a result of my trading I had a very good start of hogs in the fall. Porter, too, accumulated cattle for articles he could trade. He gave an ox for a sow valued at five dollars, a feather bed for three cows and calves, a gun for a mare, and another gun for a cow, calf and yearling. Buying and selling was generally by exchange of property. To a certain extent a cow and calf had come to be used as legal tender for ten dollars. If a man wished to say he had paid fifty dollars for a yoke of steers, very likely he said, even if he had paid in money, that he gave five *cows and calves* for them. The observation that cows and calves were ten dollar bills and hogs and chickens silver change was common.

The government at that time demanded no taxes. Anything to be done for the common good was done voluntarily. Every man of family arriving in the country was entitled to a league of land (4428 acres), by paying about fifty dollars on an average for sur-

veying, seventeen and a half dollars for title, and a dollar and twenty cents to the government for every labor (177 acres), in which last he had six years' time. An unmarried man was entitled to one-quarter of a league, with expenses proportionate. But there were plenty of men who did not care to have so much land as a league, and plenty of others who were ready to contract to pay all expenses for half the land; so such bargains as this were often made.

The country, divided out in an early day into colonies, was being settled by colonies of a certain number of families contracted for by the empresario. The latter received five leagues of land for every one hundred families settled. Austin's colony already numbered some eight or ten hundred families, and comprised the country in most part between the Trinity and Colorado Rivers from the coast to the San Antonio road. It did not quite reach the San Antonio road, there being a boggy, swampy stream, the Yeagua, which cut off a territory of about fifty miles southwestward and thirty miles southeastward. At the time I came to Texas but three families lived in that territory, and there was but one settlement north of the San Antonio road on the west side of the Brazos. There was a small colony on the Colorado, mostly confined to the river on both sides, extending about thirty miles above the San Antonio road.

The settlement on the west side of the Brazos above the San Antonio road, spoken of above, was known as Tenoxtitlan and had for some time until recently been a Mexican garrison. As a result of the revolution of the year before it had been evacuated, the Mexican soldiers going west. When I arrived there about a half dozen Mexican families occupied the place. Some of them considered themselves settled and claimed land in the neighborhood. About a half dozen American families were also there. They sheltered themselves in the Mexican barracks, while waiting for something to turn up.

Under the Mexican colony system a party of land speculators from Tennessee, headed by Sterling C. Robertson, made a contract with the Mexican Government some time before this to settle a colony on both sides of the Brazos immediately above Austin's colony. The boundaries of the colony were fixed by contract as "beginning where the San Antonio road crosses the

Trinity, thence following said road westward to the ridge dividing the waters of the Brazos and Colorado, thence following that ridge to the Cross Timbers, thence a northeasterly course to the Trinity, thence down the Trinity to the beginning." The north boundary of this colony was imaginary; there is no way of defining the Cross Timbers; though there is a quantity of timbered land it is not a regularly delineated belt as was then imagined. Robertson was beginning to bring on his settlers when the Mexicans passed a law preventing North Americans settling in the new colony. This interfered with the settlement, and the contractors had only six years for its completion.

Austin and Williams made a contract with the Mexican Government, proposing to settle the country with Europeans but failed; then they permitted the location of a number of large grants awarded to Mexicans for military service. During the revolution of 1832, Santa Anna had promised to repeal the law prohibiting the settling of North Americans; he did so. Robertson had the colony returned to him, and the actual settling of that large district now comprising nearly forty counties began.

Porter finally determined to settle on a stream crossing the San Antonio road, but as there was but little good land at that place he decided to locate only a part of his headright there. We gathered our crop in September, built pens and shelter at the new place, and moved that fall, 1834.

4. SURVEYOR AND INDIAN FIGHTER, 1834

I was still undecided where to settle or what to engage in, but just then I fell in with Alexander Thomson, an old man. He had come out with Robertson and was partly interested in the colony, but had lived in Austin's colony up to this time. He was now living ten miles northwest of Porter's new place. He called himself a jack of all trades, and was able to work at seven different ones, and, having the authority to do so, expected to go into that of surveying. He took for his district to survey into leagues a section of the country twenty-five miles square, west of the Brazos and north of the San Antonio road, and offered me the chance of business with him, at first nominally as chain carrier. Another man, Scott, ran the compass, but quit at Christmas after survey-

ing twelve or thirteen leagues of land. The section of country he had chosen to operate in was in no way desirable. Much of it was poor land, and some of the better portions were already covered by Mexican grants located under Austin. As a surveyor could not get pay for work unless the land was taken by a settler who paid, the business did not make expenses for Thomson. We did little work after Christmas and that little was done by me running Thomson's compass. I located my own headright from the Mexican Government of one-fourth of a league at that time. While nominally Thomson's surveyor, I lived with him waiting for business, which up to the first of May did not amount to more than two weeks of actual surveying. But I was not idle; I worked for him on his farm at the rate of seventeen dollars a month.

There were two very different kinds of Indians in Texas: Caddos, half civilized from Louisiana, mixed with remnants of other tribes from farther east, and the wild Indians, also immigrants, but of a much earlier date than the Caddos. Among the wild Indians the Comanches were the most powerful; they claimed the sovereignty of Texas, and treated all other tribes as vassals. They regarded the whites on the Colorado and west of it as a different race from those on the Brazos and in the east generally. In fact, they regarded the whites, like themselves, as divided up into tribes, and so made war on the western whites while they considered the eastern ones their friends. The Caddos were much better informed, and knowing the difficulties that might arise from the wild Indian depredations, they did not themselves go to the Colorado River. But the people on the Colorado believed that the Caddos harbored their enemies and traded with them for stolen horses; in their vexation they even accused the Brazos whites of such conduct. Thus it happened that, when a party of wild Indians before July the first, 1835, came far down the Colorado and killed a man, the pursuing settlers were indifferent as to whether they found Caddos or wild Indians. Unluckily they came upon a party of Caddos, fell upon them, and killed six. This brought about a critical condition; the Brazos people were answerable to the Caddos for the deeds of any whites, but still must take sides with the whites against the wild Indians.

Small parties of men from the Colorado and the lower country of the Brazos were out. The Brazos men captured a village on

the Trinity. A Colorado party under Captain Robert M. Coleman, about twenty-five in number, was repulsed at the Tehaucana village east of the Brazos, and there was a call for a general campaign.²

I enrolled in a company under John H. Moore, and about the fifth of August we reached Parker's Settlement, and were joined by Captain Coleman's company. After waiting for the swollen Navasota to run down, we marched on to the village. Texas Indians never allowed themselves to be attacked by a hundred men together; they had evacuated the village, and we had nothing to do but occupy it. We found sixty acres in corn, which was just hard enough to be gritted, and by making holes in the bottom of the tin cups we carried we fashioned graters, and supplied ourselves with bread. There were also numbers of pumpkins, watermelons, muskmelons, peas, and other vegetables, such as were then raised by Indians in their primitive agriculture.

In two days we left the place, and, going eighteen or twenty miles over the prairie, late in the afternoon we came within a mile of a belt of timber extending along the Pin Oak Creek, which empties into the Trinity. The scouts reported Indians in the timber. We were formed into line. The commander and his adjutant took as much precaution as if we were about to fight such formidable foes as Creeks, Cherokees, and Seminoles—foes the two had faced in their younger days under Jackson. After we had paraded and manuevred for about fifteen minutes, the order was given to charge. We did so, charging two or three hundred yards, through post oak timber over boggy soil. The officers were particular to keep us in line. Then we were met by the scouts with another piece of news: the Indians were all fled—what few there had been—about half a dozen. They had taken to flight at our first demonstration. We captured a pony—one hundred strong as we were. In camping near the place that night there was much laughing over the adventure. I was riding a young horse which had been caught a colt from the mustangs, that was fiery. When the order came to charge, it darted forward ahead of all the rest, and I found myself alone in the advance. Next came McFall, who

²For variants of the account of this campaign, see Brown's *Indian Wars and Pioneers of Texas*, 25-26; and De Shield's *Border Wars of Texas*, 131, 134.

was also on a wild horse, too eager for the fray. The officers shouted to us to come back into line, but our efforts to obey were in vain. Our steeds had determined to give us a reputation for bravery which we did not deserve.³

A few days of marching to no purpose, of waiting for swollen streams to run down, and for bogs to become passable brought us to the conclusion that the Texas Indian could always keep out of sight of a large party. He could go ahead, keep ahead and be continually out of the way. But Colonel Moore was averse to turning back, and at last a division among us resulted. The men from the Brazos, including Coleman, Ed Burleson and others, returned. I went back with them.

This was my first experience of war in Texas; it was quite different from my ideas of the art as derived from boyhood sources; drills I had participated in at the Polytechnic, from accounts of battles around Vienna, and from such spectacles as the passing of masses of soldiery, martial music, with the dragging of cannon, and other echoes of military glory. But I fancied the campaign life here, at least the camp life, and while on this expedition I made an engagement to go out again with a surveyor to the heads of the San Gabriel and Brushy creeks. He expected to run two compasses from one camp, and to have half a dozen or more land locaters with him.

I set out from Bastrop with the surveyor, Thomas A. Graves, about the last of September. There were seventeen of us in the party, including four land speculators. We reached our destination in three days and commenced work, each compass running out a league of land a day. We intended to go farther east after surveying ten leagues, but on the last day of our stay the Indians attacked one of the parties and killed Lang, an Irishman, who ran the compass. Such occurrences were not uncommon, especially near the Colorado, and even occurred in the midst of a settlement. A party of Indians always lurked around, waiting to find a solitary man to scalp, and would then put off immediately. As they generally did put off immediately after the killing, it seemed to

³Later this incident gave rise to the sobriquet "The Flying Dutchman."—L. A. E.

His companions, not exactly understanding the cause of this feat and always delighting in anything that savored of courage, immediately promoted him.—DE CORDOVA.

me there was little danger in our whole party remaining a few days longer. One man of the party attacked had escaped and brought us the news; three men to be accounted for were missing, two besides Lang. We thought the dead ought to be found and buried, and after deliberation in camp found that all the hands and one land locator, Fiske, were in favor of this course, or, at least, to remain long enough to ascertain the fate of the missing men. So after a little opposition from Graves and the other land locators, we started the next morning, not to the settlements, but to the place of attack, guided by the man who had escaped. We paused there and, after another deliberation, Graves cut the matter short by declaring he had fitted out the expedition, would have to pay the hands, and did not propose to be at unnecessary expense in public service. So we turned back. Had we gone but a few hundred yards farther we would have found Lang's body. We kept a lookout for the other missing men, and one of them we found. He was quite wild from fright, mistook us for Indians, and ran from us for some time. He had grown up in some large city, a tailor by trade, and was altogether unused to the frontier. The other man, McLellan, a little Irishman, carried a pistol and a Jacob's staff with him in flight, and escaped to the Colorado; he lived to be killed in the Alamo the following March.

We reached Hornsby's settlement rather late the next day, and there learned that the Mexicans had marched to Gonzales and demanded a cannon and other arms, that Santa Anna had issued orders to disarm us, and that war operations were fairly commenced. A general call was made on the country, the demand was resisted, and the retreating Mexicans were followed to San Antonio by the Texans. Part of the available men from the Colorado under Captain Coleman had gone to San Antonio. Edward Blackey made up a company of twenty men to go against the Indians in the vicinity of where Lang was killed. I joined him. We found Lang's body and buried it, and scouted around for some time. On our return we found that little had been going on at San Antonio; but when I returned from still another scout against the Indians the battle of Conception had been fought.

I now started to San Antonio, but stopped on the way at Bastrop to make arrangements for a horse, as mine had given out

on the last scouting expedition. I then learned that there was no probability of a speedy conflict. During the last of November and first of December men who had hurried to the scene were returning. Stopping at Captain Coleman's family, I had gone to picking cotton. That gentleman wrote home quite discouraged as to the prospect for battle, and fearful that affairs would settle without war and the country "go to ruin," as he expressed it. Having procured a horse, I took occasion to go over to Porter's and look after my property, cattle and hogs, left there. I traveled in company with several men just from San Antonio, one of whom was Major Barr, afterward postmaster-general of the Republic. I heard from them the same accounts as to the improbability of speedy war. Before I got started back from Porter's news came that San Antonio had capitulated and the Mexicans marched off.

History hints at the diversity of opinion among the leaders regarding the mode of attack, but as some of the more farseeing ones perceived that further delay would break up the army and ruin the cause they urged it forward. About the 4th of December Burleson, Milam, and Frank Johnson made a call for volunteers to attempt to take the town by surprise. There were about eight hundred or a thousand men in front of San Antonio, but less than three hundred volunteered. However, the leaders went forward and on the morning of the 5th, in cold, bad weather, they took position, gained an entrance to the town, and then by assuming the offensive began to weary down the Mexicans. Colonel Burleson, at the time commander of the whole force, remained outside to support and if necessary to reinforce the attacking party. During the succeeding night more volunteers came forward to join those in conflict; and they, making a further advance, gained a new position; and so they continued to do each day till the 8th; then by very hard fighting they gained the center of the town. All available men in camp had become engaged. General Cos proposed to evacuate the town if allowed to march off with the honors of war, arms, and the public and private property in his possession. A commission was appointed on both sides; it agreed on articles of capitulation by the terms of which the Mexicans, 1700 strong, with arms and accoutrements, marched off on parole of honor not again to fight against the constitution of 1824. A

greater part of the Texans returned to their homes. A small number of volunteers, nearly all of them just arrived from the old States and New Orleans, garrisoned the town.

A discussion has arisen of late as to whom General Cos surrendered his sword. I say there was no such surrender. When the troops were allowed to march off with all arms, of course, their general was not required to give up his sword.

And now for five or six weeks followed a kind of jubilee throughout Texas, leading to almost unpardonable carelessness. The capture of San Antonio was as much a diplomatic arrangement as a military achievement. The Mexicans engaged in the affair had preferred a more liberal course than Santa Anna might have accepted; they probably retired in hopes it would lead to a compromise. But the Texans believed they had achieved a victory that would frighten off Santa Anna and his Mexicans forever. The many immigrants into the country about this time overdid the enthusiasm even more than the older settlers. There were volunteers from the older States, destined for military service first and land speculation afterward, and many had only come to look at the country, acquire land, and return later for possession. These last, or most of them, were on their way back by the early part of February when it became known that Santa Anna had crossed the Rio Grande with seven thousand men, and was advancing rapidly, vowing death and extermination to the American race on Mexican soil. About five hundred men, principally Fannin's, remained to fall for Texas.

When Santa Anna's purpose became known, a new convention was called, which on the 2nd of March declared the independence of Texas. Houston had already been appointed commander-in-chief of the army. Travis, besieged in the Alamo with only one hundred and seventy-five men, made strong appeals for relief. Burleson and other leaders were concentrating troops as a nucleus for the army at Gonzales, and calls and appeals were made on all sides, but the response was slow. I myself was not one of the first, but I started in the early part of March and joined the army.

The Alamo fell on the 6th of March and confusion reigned.

(Continued)

THE BRYAN-HAYES CORRESPONDENCE

EDITED BY E. W. WINKLER

VI

HAYES TO BRYAN

Fremont, O.

22 Dec 1875

My dear Guy:

Your kind letter of 13th is before me. Your views on public questions I can subscribe to without important qualifications. But this candidacy business, I feel is another thing. I do not feel like severely censuring men of commanding position, who have rendered large services, who seek or seem to seek the Presidency. Our greatest Statesmen have committed that mistake. But for others, for *mere availabilities*, to do it is unpardonable. My rule as Gov. was to obey the 11th commandment to the letter. I never alluded even to general politics except when my state was to act on an amendment to the National Constitution. To depart now would be a mistake. On the proposed Const. Amend't of Blaine I might properly speak.

A sty on one of my eyelids prevents me from writing with comfort. I shall be glad to hear from you. I know your soundness & friendship if this thing becomes practical will be of great value. The more I think of it the less I desire it. In any event I must be passive.

Sincerely

R. B. Hayes

BRYAN TO HAYES

Galveston, Feb. 4th 1876.

Dear Rud:

I have read your inaugural sent to Ballinger; *it is good*. I have also read your last letter to me, and noticed particularly what you say about "available candidates." Are not all now selected as such? I did not know that we had any citizen that could step down to the Presidency, or that any were *necessary* to fill it.

What I wrote and suggested to you was from my standpoint, and what occurred to me as your personal friend. My hope was

that you might take advantage of your situation, and be a leading spirit in this centennial year—breathing in your inaugural a feeling that “the mystic chords of memory, stretching from every battlefield and patriot grave to every living heart and hearthstone all over this broad land, would swell the chorus of the Union when again touched by the better angels of our nature.” And on this tide of patriotism, we could carry into the Presidency one who would like Monroe be the President of a “New Era.”

I am aware you and I occupy different standpoints geographically, and that your view might be mine did I occupy your stand. As it is however, just consider what I said as the birth of a mind moved by a heart breathing the notes of patriotism, of friendship and personal affection, and not those of political party merely.

I have noticed your name frequently spoken of in connection with the Presidency. I hope you will get the Republican nomination. The Radical party in the South I think worships the shining sun,³¹ but unlike the sunflower will not turn to him at setting.

I know your time is much occupied, and I will not consume more of it. Do not forget to present me kindly to your wife, to Platt and his daughters (your nieces)

Your friend as ever

Guy M. Bryan.

P. S. I think Banning Norton is one of the Delegates from this State, to the Cin. Convention. His P. O. is Dallas, Dallas Co. He edits a paper and can help you with the Delegation if so disposed. Can't you get some of his friends to write him on the subject?

HAYES TO BRYAN

Columbus, O
10 Feby 1876

My dear Guy:

Thanks for your note. I sent you the inaugural also. The new duties are not unfamiliar, of course, but the interruptions from various causes are much greater than when I was here before.

I know the sincerity of your advice, and I need not add that I have confidence in your experience and judgment. The result you desire is a possibility, but, as I see it, not at all probable. It is

³¹Perhaps, a reference to James G. Blaine.

gratifying to find the people of Ohio so generally favorable, beyond that I am not looking for much.

Platt is unusually well this winter. My wife and family will come here to reside the last of this month.

Excuse a short note from as ever

Sincerely

R B Hayes

BRYAN TO HAYES

Galveston, March 24th, 1876.

Dear Rud:

Some time since I wrote Norton enclosing him "a Junior exhibition bill" of his class that I found among my College papers. I supposed that he would like to have it as a souvenir of "Old Kenyon." I availed myself of the occasion to suggest freely to him in favor of your nomination for the Presidency, & of his trying to get the Texas Delegation for you. As I have had but very little to do with Norton, having met him but twice, & not having written him since he has been in Texas, from his long delay in answering I had come to the conclusion that he would not reply to me. But on day before yesterday I received the enclosed cordial reply.

Norton is a Delegate to the Cin. Convention. He is more conservative than [E. J.] Davis, who is *very* radical & nominal leader of his party in this state, & has the support of the negroes, but not the best part of his party. He is opposed to Norton & did his utmost to defeat his nomination as Delegate to the Cin. Convention, but signally failed. I take for granted there will be a division in the Delegation, Davis leading one way & Norton the other, they may however for the time being act in concert. Judge Jas. H. Bell, who was with you in Harvard, will probably be at the Convention. I saw him some weeks since, & asked his services in your behalf. He spoke kindly and well of you. I hope he will be for you. I think he is so inclined, unless he can make something by favoring another. While one of the ablest men in the State he is regarded as a lobbyist, & has lost a good deal in the estimation of old friends. Davis has a brother in business in this city. When an appropriate occasion arises I shall speak of you in a way that it will go to his brother & may incline him

towards you. While Mr. Davis & I are as wide apart as the poles in politics, yet he respects me as a gentleman & would rely on what I would say.

In order that you may understand Norton's letter—I suggested to him to come out for you in his paper & I would get the leading paper of the State to copy, &c, &c, & would follow up in latter paper with some short notices of you, &c.

Integrity is now the strong card & is *yours*. I hope both parties will nominate a sensible man with *undoubted integrity* & force of character. Personally I am anxious for your nomination by your party for I prefer you to any other *your* party could nominate, yet I am a Democrat & expect to remain so. But if my party puts up a man of tarnished character & you are nominated I shall vote for you, because we want good *government* & *honesty* at Washington, and I know you are honest & capable & *just*, & besides my disinterested affection for you inclines me for you anyhow. But I expect we will put in the field an honest & good man & one that I can support & I sincerely hope you will be his opponent for in either event we will have a good man.

As ever your friend,

Guy M. Bryan.

P. S. After writing this I received a letter from Geo. W. Jones, the first for many years. I enclose it. I am glad that Geo. has written; he will always hold a warm place in my heart.

HAYES TO BRYAN

Columbus, O

2 Apr 1876

My dear Guy:

Your letter of the 24th ult. & its enclosures came duly.

I am now at the end of one stage of this political business. Without word or act of mine the Ohio convention with absolute unanimity instructed for me. This of course is a gratifying endorsement. I have rather discouraged "the Hayes Movement" from the first. I now would be glad to be satisfactorily out of it. But I suppose I shall continue a silent looker on.

Nothing in the whole affair has given me more satisfaction than your feeling about it. I have letters from many old school fellows

and every mail brings words from old fellow soldiers. All this is pleasant. But &c, &c, &c.

I return you Jones' letter.

Do you come North to the Centennial? After the middle of June I expect to be a free man, (except the Governor's office bondage) & shall be able to go to Phila. at almost any time. Lucy joins in kind regards.

As ever

R.

BRYAN TO HAYES

Galveston, April 18th, 1876.

Read Rud;

I enclose you copy of letter I wrote to-day to Norton.³² I told him to do with it as he thought best. He may or may not publish it. I send it to you to do as you think proper with it. I mean just exactly what I say, & I say it for your benefit, whether it benefits or not. I send you too Norton's paper with notice of you.³³ Should the letter I send you be published, send me the paper as I am a little curious to see how it takes up in your latitude. If my ability was equal to my desire I would have you nominated.

I thank you most kindly for your invitation to visit with you Philadelphia. Nothing would give me more pleasure but I fear for private reasons I shall not be able to do it. If I can I will but I do not expect I can. My health is not good & has not been for some days. Present me most kindly to your wife whom I would like to see.

As ever your friend,

Guy

HAYES TO BRYAN

Columbus, O

23 Apr 1876

My dear Guy:

I have your letter of the 18th and the enclosed copy of a note to Norton. I hardly know how to tell you the pleasure it gave

³²The letter from Bryan to Norton, April 18, 1876, is for convenience appended to the letter from Bryan to Hayes, May 2, 1876, printed below.

³³No copy has been found of Norton's paper with notice of Hayes.

me. I am, if possible, less solicitous about this affair than I was before the Ohio Convention. It will be rather a relief to be left out at Cinti—certainly it will be no disappointment, and there will be no soreness about it. But such talk as yours, although I know it is not merited, is very pleasant.

It is probable that Norton will publish it. But is it not best for you that your name be left off? It is one of the very few things I would feel like publishing here. My rule & preference, however, is to do absolutely nothing to favor the movement in behalf of my nomination. I mean to keep this path to the end. I see it stated that "even Hayes had friends attending to his interests in the Conventions of Virginia and South Carolina." This is wholly untrue so far as any act or knowledge of mine is concerned. Very few Republicans in Ohio are so completely out of the Hayes movement as I am.

The invitation to the opening of the Centennial on May 10th is to all Governors, and all Members of State Boards. As I come under both heads, it is possible I may feel constrained to go. But I do not expect to make my stay in Phila. until after the Cinti Convention emancipates me from the bondage of candidacy. But any time during July & August I can go with you, and will enjoy doing so. You can visit me here as long as you choose before or after going, greatly to our mutual enjoyment. We are all well.

As ever

R. B. Hayes

BOOK REVIEWS AND NOTICES

Pioneer History of Bandera County: seventy-five years of intrepid history. By J. Marvin Hunter. Bandera, Texas: Hunter's Printing House, [1922]. Pp. 287, 8vo. Illustrated.

European historians have noted with surprise the lively and widespread interest in political, family and local history in this country. The former they explain by reference to our popular form of government; the latter they attribute to the fact that so many of the people are descendants of those who helped redeem the wilderness and to lay the foundations of the present prosperous commonwealths.

Texas presents a tempting field to the local historian. The first settlements in a large number of Texas counties were made within the memory of people yet living; the short span of years is crowded with stirring events; the changes wrought have been such that they attract the attention and admiration of the most casual observer. Those who helped to bring about these changes are filled with pride and satisfaction, and in most instances a little persuasion will draw from them the story of how they helped to bring it all about.

The chief difficulty in securing satisfactory local histories appears to be persons qualified to write them. The book whose title heads this notice is a product of the forces indicated above, but it does not fulfill the expectations raised by the title. It is not a history; it is a collection of biographical sketches and other isolated incidents pertaining to Bandera County during the years between 1852 and 1892. The biographical data and the other material have value for local history, and the compiler's enthusiasm and industry in collecting and publishing them merits the support of those for whom in the first instance the book is intended. But the history of Bandera County remains to be written.

The minimum requirements for a county history are (1) an accurate description of the location and of the physical aspects of the region with its natural resources; (2) an account of its settlement, and (3) a history of its development and the progress

of the people. These are not chapter headings; the number of chapters and their titles will vary for the different counties.

A statement of the location should take note of the relation of the local region to the settled portion of the State, and indicate what factors tended to hasten or delay its occupation. The description of the physical features of the region should include rivers and creeks, mountains and plains, character of the soil, etc. The description of the natural resources should give attention to plant life (forests, grasses, fruits, berries), wild life (game, predatory animals, wild fowl, fish, bees), mineral resources, the abundance of each, the attractiveness of the landscape. These are the things that attracted the first settlers and determined their occupations.

The account of the settlement should take note of the place where the first settlers came from as well as the place where they located, their adaptation to their new environment and occupation, their number, the difficulties encountered and the advantages enjoyed. Note should also be made of the introduction of schools, churches, laying out of roads, markets, industries, newspapers, local government, amusements, with the circumstances hastening or retarding these institutions, and notices of persons displaying leadership in any of the new country's activities.

The history of the development of a county will give attention to the utilization of its natural resources, beginning with exploitation and gradually shifting to cultivation. The industries increase in number and variety. Markets and the means of communication and transportation grow in extent and importance. The increase of population and wealth results in the creation of centers—towns and cities—each vying with the other in the number and variety of the institutions of modern civilization. To reduce all this to an orderly, clear and interesting narrative should be the aim of every one who essays the task.

The usefulness of maps, plans and photographs should not be overlooked.

E. W. WINKLER.

NEWS ITEMS

"Men who made Texas free" is the title selected by Sam H. Dixon for a series of brief biographical sketches of the signers of the Texas declaration of independence, which began in the *Houston Chronicle* of December 21, 1922.

A series of articles on the election laws of Texas was begun by Tom Finty in the *Dallas News* of November 15, 1922.

A sketch of Roy Bean, popularly known as "the law west of the Pecos," by Marshall Monroe, appeared in the *Houston Chronicle* of December 10, 1922.

In a short article in the *Georgia Historical Quarterly* for September, 1922, Professor J. D. Wade, of the University of Georgia, summarizes the evidence supporting the claim that Augustin Smith Clayton wrote the books that have been published with the name of David Crockett as author.

Deaths of prominent Texans: General Adam Rankin Johnson, author of *The Partisan Rangers of the Confederate Army*, at Burnet, October 20, 1922; Julian Onderdonk, landscape painter, at San Antonio, October 27, 1922; William Franklin Ramsey, chairman of the board of directors of the Federal Reserve Bank, at Dallas, October 27, 1922.

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NEW LIGHT ON PATTIE AND THE SOUTHWESTERN FUR TRADE

JOSEPH J. HILL,

Bancroft Library, University of California.

James Ohio Pattie and his father, Sylvester Pattie, with six companions arrived in California, overland from New Mexico, early in the spring of 1828, one of the first Anglo-American parties to reach California by an overland route. Four years previous to this date, in the summer of 1824, they had left Missouri with a company of trappers and traders destined for the settlements of New Mexico. The intervening period, from 1824 to 1828, had been spent in the Far Southwest, in trapping, trading, and in mining. The elder Pattie had spent most of the period in the last named occupation, whereas the son had spent most of the time trapping.

One of the tantalizing things, however, about *The Personal Narrative* of James Ohio Pattie is the lack of any information concerning the leaders and members, other than himself and his father, of the various trapping parties of which he was a member. It seems strange that a person traveling some three or four thousand miles with a company of trappers and attempting to give an account of their activities on the journey should do so without mentioning the name of a single one of the members of the party, not even the leader. Pattie is even more exasperating than that. In 1826 he left the Santa Rita copper mines with one company and traveled down the Gila to the mouth of Salt River, where all but three of that party were massacred. He then fell in with

another company, which trapped the tributaries of the Gila, Colorado, Grand, and various other streams in the Rocky Mountains before returning to New Mexico. But nowhere does he mention the name of a single member of either party, although the journey was filled with exciting episodes and the narrative covers quite a portion of his book. Many are the readers of Pattie's narrative who have wished that they could identify these parties or could get some information concerning their membership. But, up to the present, so far as the writer's information goes, no such identification has ever been made. At last, however, we have the key to the solution of the problem.

The year 1826 was a red letter year in the history of the American fur trade in the Far Southwest. It was especially notable for the number and size of the trapping parties which were fitted out soon after the arrival of the caravan from Missouri in the latter part of July of that year. As the leaders applied to Narbona, Governor of New Mexico, for passports to Sonora he soon became aware, from the lack of merchandise for trading purposes and from the general conversation among the applicants, that the principal intentions of these persons could be reduced "to hunting beaver on the San Francisco, Gila, and Colorado rivers." He, therefore, wrote to the governor of Sonora informing him of the passports he had issued and the size and character of the parties to whom they had been granted. Unfortunately his use of foreign names makes it somewhat difficult to identify some of the individuals referred to. The list is enlightening, however, and serves as one of the links in the identification of the Pattie party. He said that J. William (possibly should be Williams) and Sambrano (St. Vrain) were taking twenty odd men; that Miguel Rubidu (Robidoux) and Pratt were taking thirty or more; that Juan Roles (possibly John Rueland) had eighteen in his party; and that Joaquin Joon (by which name Ewing Young was known in New Mexico) had eighteen more in his company.

The Robidoux party massacred on the Gila.—The Robidoux-Pratt party mentioned by Narbona as consisting of thirty or more men seems really to have been two parties or to have been divided soon after leaving Santa Fé, for George C. Yount, whom we shall presently identify as a member of Ewing Young's party, speaks

of the Robidoux party on the Gila as a company of sixteen men, and refers to the massacre of that party by the Pimas and Maricopas as having taken place something less than three weeks previous to the time of his arrival at the place of the massacre in the vicinity of the mouth of Salt River. This, in all probability, is the French company with whom James Ohio Pattie says that he left the Santa Rita copper mines on the second of January, 1826. Pattie gives the number in the French party as thirteen, whereas Yount speaks of it as a party of sixteen. It may be that Yount is inaccurate in the number and that his inaccuracy grew out of the fact that there were three survivors of the party which in his calculations were added to the original number, thirteen, instead of to the number killed, which, according to Pattie, was ten.

Ewing Young's expedition to the Gila, 1826.—Some account of the activities of Ewing Young during this period may be gleaned from the story of the life of William Wolfskill, written by his son-in-law, H. D. Barrows, and published in the *Wilming-ton Journal*, October 20, 1866. According to Barrows, William Wolfskill met Ewing Young in Missouri in the spring of 1826. He was then organizing a party to go to Santa Fé. Wolfskill joined the party. They were probably a part of the spring caravan of which we have already spoken. Upon arriving in Santa Fé, Young was taken sick, and he hired Wolfskill to take charge of his party of eleven men, who were going to trap on the Gila. The company set out, but were attacked by Indians and forced to return. Soon after the return of this party Young organized another company consisting of about thirty men for the same place, "where," Barrows adds, "he chastised the Indians, killing several chiefs, etc., so that his party were enabled to trap unmolested." Barrows speaks of Sublette and "Peg-leg" Smith as being in the party. Wolfskill was not a member of the second expedition and his biographer, Barrows, gives no details concerning it.

With this account it is interesting to compare a statement in the newspaper story of the life of "Peg-leg" Smith, written at the time of his death in 1866 by someone who was, apparently, fairly well acquainted with his life's activities, and published in

the San Francisco *Bulletin*, October 26, 1866. The account states that about this time (between 1825 and 1828, but unfortunately the exact date is not given) "Smith and Le Duke organized a party of five for a trapping expedition to the Gila River. All the party were well armed, and after two or three weeks' travel they found good trapping grounds and began to find beaver. They had been engaged about a fortnight when they were discovered by a band of Apaches, who came into their camp and made all sorts of manifestations of friendship. After being feasted they took their departure, but on passing where the trappers' horses were picketed one of the red rascals shot an arrow into an animal. This was regarded as a declaration of hostilities, and the trapping party concluded that it was best for them to leave that part of the country. They packed up and started. Smith and Sublette determined to take up their traps, and in attempting to do so were fired upon, a perfect shower of arrows falling about them. Sublette was hit in the leg, and it was only by the aid of Smith he managed to escape; the party lost their traps, but saved their scalps." The narrative says nothing at this point about a return to Santa Fé. But if their traps were all lost there was likely nothing else for them to do but to return for a new supply. "A few months later," the account continues, "when encamped in another part of the country, they were visited by a band of twenty Apaches, who were very arrogant. One of the trappers prepared a hearty meal for them, and as soon as the red skins were seated around the mess, Smith gave a war-whoop and opened the battle. He says 'none of them fellows ever returned home to tell of that event; we fixed them all.'"

The similarity of the two accounts leads one to conclude that they both relate to the same expedition. The five men in the Smith and Le Duke group and the eleven hired to Young under the command of Wolfskill taken together, if we may add the names of Young and one other who may have dropped out, check with the eighteen for which the passport was issued in the name of Joaquin Joon (Ewing Young) by Narbona in the latter part of August, 1826.

Still a third account which clearly relates to the same expedition is the statement of George C. Yount. Yount also, came to New Mexico in the summer of 1826 in the caravan in which

Young made the journey. Upon his arrival in Santa Fé, he says, he found business at a standstill, having been overdone by enterprising Americans. He was at last induced to join a band of free trappers under license from the governor of New Mexico to trap the Gila and Colorado rivers for beaver. On his way to the Gila his party passed the copper mines, in the vicinity of which they remained some three weeks. At the Boiling Springs three men abandoned the party which Yount then says had numbered sixteen. This agrees with our previous calculations. The eleven in the Young party under the command of Wolfskill and the five in the Smith group bring the number up to the sixteen referred to by Young. According to his statement the party proceeded down the Gila to the vicinity of the mouth of Salt River, on their way passing through the Pima villages. When near the mouth of Salt River they came upon the place where the Robidoux party had been massacred, as Yount says, "within the last three weeks."

Here the manuscript statement of Yount, preserved in the Bancroft Library, ends abruptly. This statement is apparently a copy of a fragment of a more complete account which seems to have been used as the basis of *The Sketch of the Life of George C. Yount*, written by his granddaughter, Elizabeth Ann Watson. This *Sketch* continues the narrative by saying that "the trappers now numbered thirty-two and it was not long before they were surrounded by Indians, painted and with nodding plumes, drawn bows, clubs, and spears. Smith, one of the trappers, fired his rifle; an Indian fell, and Smith, regardless of danger, secured his scalp and holding it at arm's length bade defiance to the Indians. Shot after shot followed and it was not long before the enemy fled, leaving their dead. Not a single trapper was hurt." That this is an account of the activities of the same party about which Barrows narrates, is evidenced by the fact that both accounts refer to "Peg-leg" Smith as being in the party. But Yount makes no reference to the party's being defeated and driven back to New Mexico and of its being reorganized and enlarged from sixteen members to thirty-two before reaching the place of the massacre of the Robidoux party and the battle with the Maricopas. But, from the fact that he does give the number in the company

first as sixteen and later as thirty-two, it would seem that there has been an omission somewhere.

The outcome of the expedition is told by Gregg as an anecdote on the first administration of Armijo, who succeeded Narbona as governor of New Mexico in May, 1827. Gregg says, "A law was then in existence which had been enacted by the General Congress prohibiting foreigners from trapping beaver in the Mexican territory, under penalty of confiscation, etc., but as there were no native trappers in New Mexico, Governor Baca and his successor (Narbona) thought it expedient to extend licenses to foreigners, in the name of citizens, upon condition of their taking a certain proportion of Mexicans to learn the art of trapping. In pursuance of this disposition, Governor Narbona extended a license to one Ewing Young, who was accompanied by a Mr. Sublette, brother of Captain Wm. Sublette, and almost equally celebrated for his mountain adventures. Previous to the return of this party from their trapping expedition, Armijo had succeeded Narbona in office and they were informed that it was his intention to seize their furs. To prevent this, they deposited them at a neighboring village, where they were afterward discovered, seized, and confiscated. The furs being damp, they were spread out in the sun before the *Guardia*, in Santa Fé, when Sublette, perceiving two packs of beaver which had been his own property, got by honest labor, instantly seized them and carried them away before the eyes of the whole garrison, and concealed both them and his own person in a house opposite. . . . Mr. Sublette finally conveyed his furs in safety to the frontier, and thence to the United States."

This account of Gregg's is corroborated by the continuation of the narrative in the *Watson Sketch* in such a way that makes it perfectly clear that Yount was a member of the Ewing Young party. To pick up the account where we dropped it after the battle with the Maricopas, the *Sketch* states that the trappers explored the Gila River to its source. This, possibly, refers to Salt River, or Black River, the name by which it was known to the early trappers, for they had just descended the Gila. The *Sketch* continues: "A little below the villages of the Maricopas was a lake abounding in black beaver. In trapping on the Colorado they constructed a small water craft by scooping out cotton-

wood logs, after the method practiced by the Indians. After many encounters with the hostile tribes of Indians, George Yount returned to New Mexico, having five hundred dollars in money and several thousand dollars worth of furs, which he cached near Ritter Creek. These were confiscated later on, however, and George Yount had to postpone returning to his family for another year."

The date of this confiscation seems to be established as the summer of 1827 from an extract of a letter of José Agustín Escudero dated March 22, 1831, in which he says: "that in the year 1827, when I was at Santa Fé, I learned that they [a company of Anglo-American trappers] compromised a wretch named Don Luís Cabeza de Vaca by persuading the miserable creature to receive smuggled skins into his house, which he had in the desert. This man, for resisting the search of his house, was lamentably shot and killed by the soldiers who assisted the arresting alcalde, who succeeded in taking out twenty-nine packs of very fine beaver skins which were spoiling that summer in the warehouse of the subcomisariat of the territory."

Briefly, then, the points in common in these various accounts may be summed up as follows: The letter of Narbona, governor of New Mexico, indicates that Ewing Young obtained a passport for eighteen men to go to the Gila in August, 1826, for the purpose of trapping beaver. According to Barrows there were eleven men hired to Young, but Young, himself, did not accompany the expedition as first organized. The story of the life of "Peg-leg" Smith states that Smith and Le Duke led a party of five to the waters of the Gila about this time and names Sublette as a member of the party. Barrows mentions "Peg-leg" Smith and Milton Sublette as members of Young's party. The two groups apparently traveled together, making the party of sixteen referred to by Yount, as the Yount *Sketch* refers to "Peg-leg" Smith as being a member of the party which Yount accompanied. Barrows speaks of the party's being attacked by the Apaches and forced to return to New Mexico, where it was reorganized and increased to a company of "about thirty" with Young at its head. The Smith account says that the party was attacked by Apaches and lost all of its traps. Evidently it had to return to New Mexico for a new supply, although the Smith account does not mention this detail.

Yount, also, refers to the party at first as a company of sixteen, and the *Sketch* of his life speaks of it later as consisting of thirty-two. The *Yount Sketch* speaks of Yount's furs being confiscated upon his return to New Mexico. Gregg informs us that that was what happened to the furs collected by Young and his men. Both accounts agree that the furs had been deposited at a neighboring village in order to avoid being apprehended by the Mexican authorities. Evidently the various accounts relate to the same expeditions.

The foregoing details are presented at length in order the more easily to compare them with the narrative of James Ohio Pattie, who, we shall see, evidently fell in with Young's party of "about thirty men" while on the Gila.

James Ohio Pattie's narrative of his expedition down the Gila and up the Colorado Rivers.—According to Pattie's narrative, he left the copper mines in southwestern New Mexico with a company of French trappers bound for the Gila. They traveled down the river beyond the point reached by the Pattie trapping party of 1824-5; and finally arrived at an Indian village situated on the south bank of the river, where almost all the inhabitants spoke Spanish, "for," to quote Pattie, "it is situated only three days journey from a Spanish fort in the province of Sonora. The Indians seemed disposed to be friendly to us. They are to a considerable degree cultivators, raising wheat, corn and cotton which they manufacture into cloths." The trappers had evidently reached the Pima villages near the mouth of the Santa Cruz wash. Three days beyond the village they arrived at the "Papawar" village, the inhabitants of which Pattie says, "came running to meet us, with their faces painted, and their bows and arrows in their hands. We were alarmed at these hostile appearances, and halted. We told them that we were friends, at which they threw down their arms, laughing the while, and showing by their countenances that they were aware that we were frightened." Upon entering the village the Frenchmen separated among the Indians, and in the evening allowed their arms to be taken from them and stacked together around a tree while they, themselves, retired among the Indians to sleep. Against this procedure Pattie remonstrated and persuading one Frenchman, whom he says he had

known in Missouri, to accompany him, made camp at some distance from the Indian village. In the middle of the night the Indians attacked the defenseless trappers, killing all but the captain and Pattie and his companion. The next night the three survivors fell in with a company of American trappers with a "genuine American leader." "We were now thirty-two in all," Pattie records. They planned an attack upon the Indians, who were so completely surprised that one hundred and ten of them were killed before the rest could make their escape, and all the horses and property of the French company was recaptured.

This happened near the mouth of Salt River, up which the Americans now trapped, the party separating at the mouth of Río Verde, part ascending that stream and the rest continuing up Salt River. After trapping to the head of both streams the two parties reunited at the junction of the two streams and then proceeded down the Salt and Gila Rivers to the junction of the latter with the Colorado, where Pattie says they found a tribe of Indians called Umene (Yuma).

The trappers now turned their faces up the Colorado, passing through the territory of the "Cocomarecopper" (Cocomaricopa) and "Mohawa" (Mojave) Indians. They continued up the river until they "reached a point of the river where the mountains shut in so close upon the shores that we were compelled to climb a mountain, and travel along the acclivity, the river still in sight, and at an immense depth beneath us." This was evidently at the mouth of the Black Canyon. Up the river they continued for a hundred leagues, according to Pattie's estimate, through snow from a foot to eighteen inches deep, when they finally arrived at the place "where the river emerges from these horrid mountains, which so cage it up." They continued up the Colorado and the Grand Rivers and finally returned to Santa Fé, where, Pattie records, "disaster awaited us. The governor, on the pretext that we had trapped without a license from him, robbed us of all our furs."

Comparison of Pattie's narrative with the accounts of Ewing Young's expedition, 1826-7.—The points in common between the Pattie narrative and the fragmentary accounts that we have of the Ewing Young expedition are certainly striking, to say the

least. In the first place, the French party with which Pattie had traveled from the copper mines was massacred in the vicinity of the mouth of Salt River, or Black River, as it was called by Pattie, which is also the name by which it is known on the early maps. This agrees with Yount's statement that the Robidoux party was massacred in that same locality. Pattie says there were thirteen in the French party. Yount speaks of it as a party of sixteen, but we have indicated how he might have been confused. Pattie tells us that the American company, of which he now became a member, numbered thirty-two, after he and his two companions had joined it. This agrees exactly with the Watson *Sketch* and, also, with the Barrows account, which says that Young set out at the head of a company of "about thirty." Pattie's "genuine American leader" can very appropriately be applied to Ewing Young. Pattie says that the American party attacked and defeated the Indians who had murdered the French party, without the loss of a single American. Mrs. Watson states that the American party with whom Yount was traveling had just such a battle in this same vicinity with a similar outcome and that Smith fired the first shot. Barrows says that "Peg-leg" Smith was a member of Ewing Young's party. According to Pattie the American company now trapped up Black (Salt) River to its source. Salt River is one of the main branches of the Gila. The Watson *Sketch* says that the American party trapped the Gila to its source; but since they had just descended the Gila it is probably meant that they trapped to the source of the other main branch, i. e., Salt River, otherwise known as Black River. Pattie says that they then descended the Gila to the Colorado and then trapped up that stream and back to New Mexico. The Watson *Sketch* indicates that they trapped down the Gila and along the Colorado before returning to New Mexico. Pattie records that upon arriving in New Mexico their furs were confiscated. Gregg says that Young's party, of whom Sublette was a member, had their furs confiscated, and Mrs. Watson states the same thing of Yount.

The difficulty of harmonizing Pattie's dates with those of Young's expedition.—The chief difficulty in harmonizing the accounts of the Young and Pattie expeditions is in connection with

the dates of the Pattie narrative. According to Pattie he left the copper mines on the second of January, 1826, and traveled down the Gila with a company of French trappers until the 28th of the month. It was the 29th of January that he fell in with the American company. They traveled up the Colorado and finally reached Santa Fé on the first of August, 1826. This was before Young's party left that place.

But Pattie's dates are very unreliable throughout his entire narrative. Where we have contemporary documents with which to check them as in the case of that portion of his narrative dealing with events in California, we are frequently able to show that his dates are inaccurate, in some cases, a number of months. It seems that he depended upon his memory for the major portion of his narrative, and so, while his facts usually appear to be fairly accurate, his dates are frequently wrong. It is possible, therefore, that he is out some nine months or more in his dates on this trip.

Difficulty of harmonizing Pattie's dates with other events.—There are some things in the narrative, itself, which seem to make this conclusion imperative. In the first place Pattie speaks of traveling the full length of the Grand Canyon through snow from a foot to eighteen inches deep. But according to his narrative it was in the month of April when they made that journey. Traveling on the south side of the Grand Canyon it would be rather unusual to find snow that deep at that season of the year. Further, according to Pattie, it was the first of August, 1826, that the company reached Santa Fé and had their furs confiscated. But Narbona was still governor of New Mexico until May, 1827, and his attitude towards the American trappers had been one of leniency. Later in this very month (August, 1826) he issued licenses, as we have indicated, to a number of parties of American trappers, knowing full well that they were bound for the Gila to trap beaver. Pattie says that he left the copper mines on the second of January and that the American party, of which he later became a member, continued trapping until nearly the first of the next August, when they arrived at Santa Fé. But this was contrary to the regular trapping custom. The trapping season was the fall, winter, and spring. Never did the

trappers continue their trapping activities into the hot summer months, nor would they ordinarily wait until the first of January to start.

The probability of Pattie's narrative being an account of the expeditions of Miguel Robidoux and Ewing Young.—Taking all things into consideration it is evident that Pattie's narrative gives an account of the expedition of Miguel Robidoux from the Santa Rita copper mines down the Gila to the mouth of Salt River, where the Robidoux party was massacred, and then continues with an account of the expedition of Ewing Young on the Gila and up the Colorado in the fall and winter of 1826 and the spring of 1827.

Significance of the identification.—With this identification established we are able, now for the first time, to apply the Pattie narrative to the Robidoux and Young expeditions. Heretofore, because Pattie's name was the only one mentioned in the narrative, it has been thought of as Pattie's expedition. We can now think of it from the point of view of the organizers and leaders rather than from that of an egotistical boy who happened to be picked up along the way.

MEMOIRS OF MAJOR GEORGE BERNARD ERATH

LUCY A. ERATH

II.

5. *At San Jacinto, 1836¹*

General Houston had retreated from Gonzales to the Colorado River to a place near where Columbus now stands. On the 20th of March about fourteen hundred men were at that place under his command. I had joined Captain Billingsly's company from Bastrop, Burleson's regiment. There was great eagerness among us to fight, but in a few days General Houston ordered the retreat to the Brazos River. This caused over four hundred men to leave us. Although we were constantly receiving volunteers the army did not number but about one thousand at San Jacinto. Seven hundred and eighty fought the battle; the rest were fifteen miles away scouting the baggage at Harrisburg.

About the first of April heavy rains set in, impeding our progress, and for nearly two weeks we were encamped in the Brazos bottom near where Hempstead now stands, while Santa Anna occupied San Felipe, and moved down the river to cross at Fort Bend. The delay had a good effect in disciplining us, and giving us information about military tactics.

We crossed the Brazos about the fourteenth, and traveled on to Harrisburg as rapidly as the state of the roads would permit. Santa Anna with a small portion of his men had really got ahead of us, and was going down the bay in the direction of Galveston. After burning Harrisburg, he met at New Washington two vessels carrying supplies for his army. Putting part of these supplies on flatboats, and part on several hundred pack mules, he again advanced up the country to meet with us at San Jacinto.

I have based my views of what took place at this time on reflections deduced afterward from that of which I was an eye witness and participant, and on positive information obtained from Mexican officers.

¹This account of the San Jacinto campaign being a rationalized one should be compared with such studies of the campaign as appear in *THE QUARTERLY*, IV, 237-260, and in Bancroft, *North Mexican States and Texas*, II, 243-265.

Santa Anna had reached Fort Bend with four thousand men, and captured the ferry boat without opposition. Although a company of Texans was stationed there under Captain Wyly Martin to watch his movements, and Captain Mosely Baker with a company from our regiment had followed him from San Felipe, they found it useless to oppose the superior numbers.

Santa Anna had made arrangements to be met, as he was met, by those vessels at New Washington without protection of any naval or land force. Of this arrangement and of Santa Anna's special manœuvre, our army seemed to have known nothing. Nor, so far as I know, has any Texas writer on the subject mentioned Santa Anna's design, or that Houston knew of such design.

With an actual force of hardly six hundred men Santa Anna left his army. In all he had perhaps a thousand with him, but the rest were only cargadores or muleteers with some four or five hundred pack mules to be loaded. His inclination for good living must have been a personal inducement for him to detach himself from his army with so small a force and go in search of it. That we captured those articles of high living is a matter of history, as also that Santa Anna knew nothing of us to be dealt with, but thought our army broken up and dispersed and that he had only to meet a few bands covering the retreat of flying Texans. He expected, too, that the Cherokees would rise further east to annihilate us. From my own observations, I am satisfied that he did not expect to meet an organized force, and was apprised of our formidable opposition only when our cannon made it known. Decidedly much of our success at that time was due to Santa Anna's voluptuousness and to his stubbornness and despotism.

He accomplished his design of getting the cargoes of the vessels. From the writings of a Mexican officer, one of his aid-de-camps whose name I have forgotten,⁵ I have the information that he told the men he took with him and those he left on the Brazos that he expected to be back in a few days. He moved forward rapidly,

⁵Perhaps, Pedro Delgado, whose Diary was translated and published in a pamphlet entitled: *The Battle of San Jacinto: Viewed from both an American and Mexican standpoint*. Its details and incidents as officially reported by Major General Sam Houston of the Texan Army. Also an account of the action written by Col. Pedro Delgado, of General Santa Anna's staff. V. O. King, editor. Austin, 1878. Delgado's account also appears in Linn's *Reminiscences of Fifty Years in Texas*. New York, 1883, pages 225-246.

traveling out of the bottom and swimming a bayou, and was stopped in the night by his cannon getting bogged. He was through unloading his vessels at New Washington late on the evening of the 19th, burned that town, and returning camped half way between it and the battle ground.

We had traveled the whole night, leaving our baggage under guard of three hundred men at Harrisburg. We reached Vince's Bayou, where there was a bridge much spoken of, two miles from the battle ground, at daylight.

I had been employed for a few days in guarding and handling quarter-master stores, but joined my company on leaving Harrisburg. From my employment in the quarter-master's department I had some privileges: I was allowed to pass about and be away from the company at times which gave me opportunity to see and note, and I know that on the morning before the day of the battle the whole staff and most all the officers were at a loss as to where to look for Santa Anna. He had gone the same route as ourselves on the road to Lynchburg, but after crossing the bridge at Vince's Bayou turned south, and while the talk went on as to his whereabouts being unknown we were halted and arranged along the timber of Buffalo Bayou.

General Houston and some of his staff were directly in front of our company, when General Rusk came galloping up. Rusk's first words I can repeat verbatim: "Moments are ages. Santa Anna has been down to New Washington and received supplies by water. He burned the town of Washington last night, and is now advancing to meet us on his back track."

We resumed our march, crossed the bridge to a somewhat elevated point of timber on the bank of Buffalo Bayou some mile and a half above Lynchburg, and were aligned in regular military order with the artillery in the middle and the cavalry on the right. We were hidden from Santa Anna's view by a small rise in the ground and by brush in the edge of which our position was taken.

We made preparations for the attack and, somehow and in spite of some former boastings of times when Texans had whipped Mexicans five to one, we began to be a little cautious. Santa Anna, it was said, had with him the elite and veterans of Mexico, who had never been conquered. But from the trace where he left the Bayou and where he crossed another bayou, extremely boggy,

we could see that his force was not stronger than ours. His boats from New Washington, badly guarded, got ahead of him in the strong wind, and coming up close to the shore, some of our scouts, fifteen or twenty in number, surprised and captured them. We feasted from them several days in camp after the battle.

He advanced. He attempted to scatter us by a shot from his cannon, but when that was answered by our artillery, he found out the real situation, encamped his men at once on the bayou, and sent a dispatch to General Cos. General Cos for safety had been ordered to cross the Brazos River and advance slowly to protect Santa Anna on his return, and had made some little distance from the Brazos when he received Santa Anna's express. He came on immediately.

Both armies apparently went into camp on the battle field, firing cannon at each other occasionally.

There was much talk among us as to the strength and disposition of the enemy. Most of the men wanted a voice in whatever was to be done, some urging an immediate attack, but the greater number were now grown a little careful, and passed remarks to the effect that they preferred to wait some time for orders.

The firing of cannon went on at intervals, and Colonel Neill of the artillery was wounded by a grape shot during the morning. Our dinner was rather superb, gained by the capture of the boats with the supplies for the Mexicans. We were unused to flour but had it in bread that day. The coffee we couldn't parch for want of cooking utensils left at Harrisburg. We peeled off cypress bark in flakes for trays, and made the flour into a stiff dough, wound it around a stick with a piece of tallow or fat beef on top, and roasted the whole on top of the fire. It was a change from our rough living on half-cooked beef and corn ground by ourselves. Perhaps, it was that meal that made us more eager for operations to begin.

Apprehensions were expressed that General Houston did not intend to fight there, and might retreat further. To such a course general resistance was announced. By his long retreat, Houston had made himself extremely unpopular, especially with the western men who in consequence of it had had their property destroyed, houses burned, and land devastated. But about 3 o'clock the cavalry was thrown forward for a reconnoissance; our regiment with

one cannon followed a short distance to cover the reaction, and took position in a small grove at the head of a shallow ravine on a plane inclined toward the Mexican camp, and in full view of it. Our cavalry came into action, moving from right to left, then turned and passed back on our left, carrying with them one of our men severely wounded. The Mexicans made a deploy as if to advance on us, but, after the firing of several cannon on each side without any effect on us, retreated to their position. We, too, returned to camp.

This manoeuvre disclosed the Mexican strength as considerably inferior to ours, and their position as very badly chosen for their defense. The cry for attacking them became more unanimous, with the determination to retreat no further; and it was only by the advice and example of a sprinkle of old men among us, some of whom had been in the Revolutionary war and that of 1812, that we kept order and discipline to await the developments of next day.

The night passed off comparatively quiet, with occasional cannon shots on either side, the enemy's going far over us, as perhaps ours did over them, for their position was now in a bayou slightly protected by a low rise of the ground three hundred yards in front.

At daylight General Cos arrived, which doubled the strength of our enemies. This arrival was looked for by our principal officers and might have been easily prevented, but was permitted and an effort was made to keep the knowledge from us for fear it might intimidate us. But we knew very well of the reinforcement and were all the more goaded to fight on account of it. It had the effect, however, of making us calm and determined and of reinstating order. By noon a general decision was known among us that we would not retreat further, and that we would fight in the next twenty-four hours. As far as the junction of Cos with Santa Anna is concerned my opinion, like that of many others, was then and always has been, that it was the best thing for Texas that could have taken place. Had we attacked them before, as we did on the evening of the 21st, they would have scattered pell-mell and Santa Anna would have taken an early opportunity to escape without making a stand at all. In our ex-

citement, we would have occupied ourselves in slaughtering the few Mexicans.

Some time between three and four o'clock on the afternoon of the 21st, when everything seemed to be in a quiet of suspense, I was moving about in front of a thicket on the top of the rise above our company, watching the Mexican camp which could be overlooked from there. Colonel Burleson came galloping up alone. He had come along the line on the left of the regiment, riding somewhat away from the right, on a straight course to the camp (a little in advance of us) of what was called the Battalion of Regulars (about a hundred men armed with muskets and bayonets). Burleson knew me familiarly. He said: "George, you run down and tell your captain and the captains on the right to come up here instantly and meet me"; then he galloped on. I delivered the order, there being only two other captains on our right, and was back immediately to the place myself. Within a few minutes the captains and some of the lieutenants of the regiment were assembled there. If anyone besides myself, not a commissioned officer, was there it was Craft, the orderly sergeant of Billingsley's company.

Burleson was back by the time they all got there, and dismounting he addressed his officers in about these words: "Gentlemen, I have called you together: fight we must—the time is the question. Shall we attack instantly, or in the morning? The officers of the other regiment are collected in council for the same purpose." After a pause Captain M. Baker spoke, saying it was late in the day, the fight might be protracted, and moved that we attack at daylight, giving some other reasons and ideas; but his speech was short. No objections were made; his proposition was at once agreed to, and Burleson remounted and rode off in the direction of the other regiment. The officers dispersed, except Billingsley, my captain, and three or four who had sat down on the ground; and I continued to stand by, listening to what they had to say.

In a few minutes Burleson came dashing back to the place, and said: "Captains, parade your companies. The other regiment has decided to fight immediately. I don't want mine to be a minute behind."

I have had occasion to tell this which I have here repeated many times before when talking of the battle of San Jacinto. I have

never heard it disputed. But this consultation of officers has never been brought up to me in conversation by any one else, nor have I found any allusion to such consultation in my reading of accounts of the battle. It indicated that the fight was brought about by the voice of the army. General Houston has always been accredited with having absolute control without council or advice. I do not know whether he demanded the consultation, or sanctioned it; but it shows that he, too, was undecided as to the course of action at the time. At the Veteran's meeting in San Antonio some years ago I asked Billingsly and Calder, the only captains of Burleson's regiment still living,⁶ if they remembered the fact I have mentioned; they both replied that they remembered it well, but had hardly thought of it before. In publishing my views of San Jacinto in *Street's Monthly*⁷ some seven years ago I made

⁶Captain Jesse Billingsly died October 1, 1880; Captain R. J. Calder died August 28, 1885.—THE EDITORS.

⁷*Street's Monthly* is unknown to the Editors. Perhaps, it was published at Waco. An undated and unidentified clipping accompanying the Erath *Memoirs* appears to be a reprint of Major Erath's account of the battle of San Jacinto. The editorial introduction in the clipping credits the account to *Street's News*. The account was written for a different purpose; and, after a few changes had been made, which appear on the clipping, it may presumably be regarded as bearing Major Erath's approval.—E. W. W.

The battle of San Jacinto is believed, by the present generation, to have effected its result by actual hard fighting, but the merits of the officers and soldiers of that time are in their perseverance, their hardships and privations.

After the fall of Bexar, in the month of December, 1835, the people became overconfident in their own ability and Mexican insignificance. A land speculating element of immigration, who did not remain, induced them to lean too much to private interest, and when the Alamo was besieged, no entreaties could bring men in the field, believing the handful of men under Travis sufficient to repulse 7,000 Mexicans, who advanced from the Rio Grande. When Travis and his men fell and were put to the sword by Santa Anna's proclamation for the extermination of the American people from the soil of Texas, terror took the place of self-confidence and boasting. At first a great number started to the army, but on General Houston's retreat to the Colorado, the greater portion of the men had to move their families, and as the retreat commenced to the Brazos, the army reduced from 1,400 to about 1,000 at Harrisburg, and only 683 at San Jacinto.

The integrity and self-sacrifice of those who remained really commands admiration, being subject to hardships not often paralleled. The men were mostly on foot, the country flooded with rain, many without shoes, wearing moccasins made of deer skins, stretching when wet, and when dry, contracting, to bring the foot into the dimensions of that of a Chinese lady; their clothing was scant, few had more than one thin blanket; their tents were open, and to avoid lying in the mud, brush or grass had to be obtained and laid down to sleep on.

these same statements, and I do so again because of their truth—not to produce any effect against Houston with whose conduct and management I have become very well reconciled, though at that time my opinions were with those of the army generally. Whether accident, Providence, or General Houston's military talent gave us victory that day I am willing to allow General Houston the credit, especially as his statesmanship later proved him a hero, and certain it is that had we attacked on the 20th and had wiped out the number there then, it would not have been to the same advantage.

Their supplies were beef principally, scant of salt, an ear of corn for a man a day, which had to be ground on a steel mill. Generally every company had one, which, after marching the whole day, was fastened to a tree for each mess to grind on, and then to be cooked into what is called mush, as there were no facilities for baking bread, frying pans and tin cups being the only cooking utensils. Many were sick, the discipline exacted by General Houston severe, often half at a time on guard, those not permitted to leave the guard fire for twenty-four hours; their mess mates had to prepare and bring to them their rations; all this was to do when the men had spent the greater part of the day knee-deep in water, standing half the time to await the slow movements of the cannon and wagons dragged by oxen out of the mud.

Such inconveniences made men reckless, there was a general clamor to fight, but we were really separated from the enemy by the attempt of Santa Anna to get ahead of us and reach the coast. Numbers left us in despair, giving up the cause as lost. Finally we reached Harrisburg, just burned and evacuated by the Mexicans, and the capture of a courier disclosed, partially, Santa Anna's intentions, but about two thousand Mexicans had left the Brazos, and they were scattered. Santa Anna only having with him about seven or eight hundred men, had gone to a place called New Washington, on the bay, to receive supplies by water.

Operations were determined on. Gen. Houston addressed us, and the baggage was to be left under guard, which consisted of the sick, the old men and the boys, and perhaps a few who thought the issue doubtful. The baggage could no longer be pulled by the worn-out teams, although all of it might now be [car]ried in one two-horse wagon [or o]n two mules.

We were to cook two days' rations, which was no light job, as we had little or no pots to cook it in. At night we crossed the bayou, marched down it in fours and holding together trying to sleep as we were walking along. At or near day we filed to the left, and were ordered to rest. Our provisions were eaten up during the night and we kept from going to sleep; and when daylight was on the sky a bunch of cattle came near. We killed some of them, built fires and had meat roasting on sticks, when Rusk galloped along the lines, saying, "Moments are ages; Santa Anna has burned New Washington, and is advancing on us on the bayou." Our meat was left, we fell into line and marched across the memorable bridge on Simms' bayou, and two miles below, in sight of Lynchburg, were again posted under the high ground in the small, narrow bottom of the Buffalo bayou. Officers dashed about and said the Mexicans were in sight, but we could not see them—the regiment I was in could not. More beef cattle coming near we killed some of them and had again our meat on sticks at the fire, half-roasted, when we were ordered into line to change

The announcement of the decision to fight acted like electricity. Being ever ready, our lines were formed at once, but in the low ground out of sight of the Mexicans. Perhaps, a delay of half an hour occurred till the position was perfect as to rank and number. We deployed on the high ground; first in line was the cavalry on the right, the artillery next, the small detachment of regulars next, the first regiment to which I belonged next, and the second regiment commanded by Colonel Sherman on the extreme left. Orders to wheel in detached companies and march in double file by heads of companies followed. Descending into a

positions, but this time we saved our meat by picking up the sticks. Falling in, answering to our names with the gun in one hand and a stick with meat in the other. We did not go far, only changed places. Our regiment (the first) was near the right, the second on our left and the artillery between us, the party of regulars on our right and the cavalry was dashing about in our front. The Mexicans were in sight and were at a loss to know who we were. Evidently they did not believe us to be the army of the Republic of Texas, though we were as many in number as they. They were soon informed of the fact, for as they advanced slowly to see us we fired our cannon at them, and they returned the compliment and wounded Col. Neill, commanding the artillery.

About the same time some of our cavalry near Lynchburg discovered two flatboats loaded with provisions, considerable of it being coffee and flour. They captured the boats after firing a few shots, and brought the welcome supplies to us.

I belonged to Company C, commanded by Capt. Billingsly (now living in Bastrop County), in the 1st Regiment of Volunteers, commanded by Col. Burleson.

Col. Burleson favored me, and in this campaign had me taken, some time before the battle, from the line for extra duty to guard supplies. I was near the company always, and in action in the line. On this occasion I acted with my company from Harrisburg, witnessing all I have described. About 3 o'clock on the 21st of April I was on an elevation, fifty yards in front of my company, looking at the Mexican maneuvers, when Col. Burleson [came riding] the line and called [the captains] of the regiment to a [consultation] right where I stood. [Dismissing] himself, he made, [in substance, the following address]: "I have called you [together] for your opinions when to [fight]. Further retreat is impossible. The only question is, shall [we] fight immediately or tomorrow. The other regiment is now holding a similar council.]" After some few remarks, Lieut. Moseley Baker proposed to take a position before day near the enemy and commence the battle at daylight, which was not objected to, and nearly unanimously agreed on. Col. Burleson galloped to the other regiment and immediately returned, saying loudly: "Captains, parade your companies! the other regiment has determined to fight right off. I don't want to be behind." But a few minutes elapsed, when we were in line, the roll was called, we were ordered to the right by companies, then right face march. The whole army was in line, the artillery and regulars were on our right, the second regiment on our left. We passed over a depression of ground for half a mile, where a rise in front of the Mexican line hid us from them. As we reached the top of the line in full view of the Mexicans, about 300 yards distant, General

sink of ground, then reaching a small eminence two or three hundred yards from the Mexicans, we were ordered to wheel by left into front, which was done, and brought us to the top of the hill.

Coming from the front, General Houston came dashing through our lines. The Mexican bullets were flying. The second regiment on our left had already joined combat. General Houston cried: "Not a man reinforcement! Not a man reinforcement!" and galloping on was wounded soon after.

I have said we knew of the reinforcement. I knew it; and the

Houston passed through our lines from front to rear, and was soon after wounded. We deployed into line, —ied arms, and advanced in [dou]ble quick. The Mexicans fired on us [as] soon as in sight, . . . [we] fired when within a hun[dre]d yards of their lines. On the first fire their lines faltered. We fired a second time only at those running. We were not checked in our advance except to load. I jumped over their breast-[works] where a man lay with his head half shot off by our cannon. Dead and wounded were strewn everywhere. I thought I had made the distance to the rear of the Mexican camp by what was called fighting and driving the Mexicans before me, quicker than I could have done it in an ordinary way.

The Mexicans crowded together some 300 yards in the rear of their camp on a slough in which a great number of Mexican cavalry horses were bogged down and struggling. They had to cross on them to keep from sticking fast, which fastened the horses so completely in the mud with only their backs and saddles out, that we could cross on them without difficulty. No further resistance was made. A gallant [Mexican officer att]empted to rally his men at a point of timber, but was shot down. The Mexicans begged for life, and those who did not throw [down] their arms were so terrified they did not know what to do. The pursuit continued a mile or more along the bank of the bayou, or bay, now 600 yards wide, and many jumped into the water, swam over, and were recaptured next day. Further to my right Colonel Almonte, with presence of mind, called on the Texas officers for magnanimity, and offered to make formal surrender of some 400 men; about 500 or 600 were taken that night, and many brought in the next and succeeding day, but few if any, escaped. Santa Anna was caught next day, and at once proposed peace, which, although it did not formally take place, led to a course forced on Mexico for five years without being able to make any other formidable invasion or offensive action on their part. San Jacinto decided the fate of Texas, and her independency. Independence was declared, and so acknowledged by foreign nations. Had the battle been fought the day before when we were equal in numbers, Santa Anna might have escaped by leaving in the rear and letting the body of his men surrender in front, which, under the expectation of severe resistance, would have occupied our time. Or he might have been taken in a different condition and killed. Had he lost his life either in battle or by execution, the Mexican nation would have become united, and, if not in revenge for the dictator alone, [would have] been [disposed] to invade and cause us much more annoyance, blood shedding and loss of treasure, than the cheap and easy manner in which we gained our independence. Saving his life made his own disgrace and discomfiture, and the division and incompetency of the Mexican nation had established our honor and character.

whole of the company to which I belonged knew it well. By going up the hill to the thicket where the council mentioned took place, we could almost count the Mexicans. They could also be seen by climbing trees. At about eleven o'clock that morning a man stationed in a tree was telling those below what he saw, when a load of grape shot went through the tree-tops, and he slipped down in a hurry. I had heard a confidential conversation between General Rusk and Colonel Burleson in which Rusk said the idea must be put out that Santa Anna had gone, and that the men coming into the camp at daylight were the escort returning which had guarded him out. The disposition we were in at the time—to fight and end the suspense—was not affected by that cry of *not a man reinforcement!* The idea flashed to me at the moment that, under the fire of the Mexican artillery and in the excitement of the opening battle, it was an insult to us to think we could care for that little reinforcement. We would have fought the whole world then. We had been marched from the Guadalupe in a round-about, zigzag way through swamps and bogs; we had lived part of the time on half-spoiled beef; we had been delayed in going through the lower country, often standing knee-deep in water waiting on baggage wagons to be drawn out of bogs; we had the experience of having even a woman draw a gun on us—some of us—for confiscating her oxen under orders; and we had been subjected to all the military discipline and practices that were ever enforced on troops of any country, standing guard twenty-four hours out of forty-eight, and not allowed to go to sleep even at the guard fire. General Houston made us a speech at Harrisburg as we started on our march to attack the Mexicans; he promised us that we should have full satisfaction for all we had gone through; and he closed his address by saying let your war cry be “Remember the Alamo!”

As the Mexicans shot high, nearly all the harm done to us was done during the descent of the hill to the Mexican line. We reserved our fire. It seemed to me that the order to fire was premature, as we were one hundred and fifty yards, I thought, from the Mexicans. While reloading my gun after my first fire I choked the ball. A young man named Ed Blakey was mortally wounded higher up the hill; he ran along by my side until he fell; I picked up his gun and shot bag, and threw mine down. The

whole Mexican line was in full flight by the time I got a second shot. Our men advanced rather in disorder, and drove the Mexicans across the boggy slew where many fell.

Their cannon had been taken and passed. Ours had ceased firing because we were too closely mixed with the Mexicans. At a point of timber across the slew, which was by this time bridged with bogged horses on which we crossed, a Mexican officer of high rank, flourishing his sword, made a grand appeal to rally his men, but was shot down, and the men who had turned to face us again resumed their flight only to be overtaken and shot. I do not like to dwell on these scenes. No doubt our men were justifiable, as the Mexican nation deserved punishment for its perfidy, though the soldiers were not responsible for it. About half of them were killed; some drowned in the bay.

General Almonte with commendable daring came forward among our men, called for officers, and demanded to be allowed to surrender. About five hundred men grouped up behind him on the principle of civilized warfare. I did not see this; I believe Colonel Burleson was the officer who accepted the surrender and gave the orders to cease firing. At the time I was with a large party of men all from different commands who were pursuing Mexicans toward the bay. Some attempted to swim across. I returned then.

Our troops were scattered and as much in disorder as the Mexicans. It took me some time to find the regiment, or the nucleus with the colonel in it, about the center of the Mexicans. The drums^s were beating the assembly, and men were slowly coming in.

Of the main proceedings during the night I know little, being detached from the main body to guard Santa Anna's baggage. I wish to make one further comment on that time, which is, that I believe the Mexican soldiers we encountered that day were much braver than they have ever been credited with being; no one has ever disputed the bravery of their officers. There were two causes for officers and men alike being dispirited. One was the miserable position taken. It would have been a formidable one three hundred yards farther back, with the boggy slew in front, and the timber to rally in. The Mexican officers describe Santa Anna

^sIt has been claimed the army was without a drum.—L. A. E.

as not open to counsel, stubborn, self-confident, tyrannical, and the men knew that he had acted contrary to the laws of nations in the slaughter of our men at the Alamo and at Goliad. They had had good experience of the American in battle; we came with the cry of "Alamo!" and they knew it meant vengeance. We were not hurt in our advance by their fire, and we reserved our own for close quarters. Their resistance did not last over ten minutes.

When Burleson's regiment had slowly assembled and formed, with face toward our old camp, the right of it was by a pile of baggage closely covering a square of about thirty feet with open spaces inside. It was near the center of what had been the Mexican camp, and about fifty yards away down hill on the bank of the slew was another such square of baggage. The officers had waited till after sundown for men to come in and now Burleson ordered them to take up the march back to camp. I and an elderly man, Simmons, from Bastrop, were at the time standing by this pile of baggage. Burleson came up to me and said, "You two stay right here tonight. Take charge particularly of this pile of baggage, but look after both. You may take anything to eat and allow others to have eatables; but don't let anything valuable be carried off by anybody." I made some remark as to how long we were to stay, and he said the whole night if necessary, that we could sleep time about, and that he would try and have us relieved. He rode away; we went inside the baggage pile and found it was Santa Anna's, containing camp furniture of silver, nicely arranged, such as a European prince might take with him into the field. And there were besides all kinds of eatables—a considerable part already cooked. Simmons took a kind of mat off a pyramid about six feet high, and called me to look. It was several dozen baskets of champagne; and just beside it was found another such a pyramid. I was not interested in champagne, nor did Simmons make any immoderate use of it; but he gave the bottles liberally to the stragglers returning to camp, saying that it belonged to the eatables which we had permission to give away.

There was a disagreeable scene near; a pile of dead Mexicans, and some wounded ones lay close up against the baggage and among it. Their cries of *A Dios!* and *Agua!* aroused my sympathy and I furnished them with water; but they all died before midnight.

When Captain Roman of Company A of our regiment arrived with his men in about two hours, we thought he had come to relieve us, but he said he had been sent especially to take charge of the military chest the colonel had left in our possession. I told him it was not here but might be in the other pile of baggage which we had not examined; so he marched his company to the other baggage, found the chest, and came back to tell us, when we showed him the champagne. Then he called for his lieutenant, and the matter of champagne got out some way so that we had plenty of company of officers for the rest of the night. I don't think much of the wine was left. I took my carouse in eating sugar while others drank. Neither Simmons nor I got a wink of sleep the whole night. An officer brought an order in the morning for Captain Turner to take charge, and Burleson sent a message to me that it had been his intention to have Roman relieve us in the night.

The military chest contained eleven thousand dollars in specie. Santa Anna's fine saddle, which was in my possession that night, brought eight hundred dollars when sold at auction the next day. All the finery and silver with the military chest brought sixteen hundred dollars. After three thousand was voted to the navy, there was left for every man in the service, whether in the battle or not, eleven dollars apiece. I do not believe the rumors of embezzlement. It is my opinion that everything was handled fairly and squarely.

About half the Mexican force was killed, some wounded, and seven hundred prisoners taken. About eight hundred pack mules and a number of horses fell into our hands. Our own loss, if I remember aright, was six killed and eighteen wounded; only one killed and six wounded in our company; there were twenty-four companies in all.

As might have been expected Santa Anna made his escape while his officers and men were fighting for him. He was captured next day in a thicket up a tree about two miles from our camp.⁹ Statements vary as to the details of his capture. I saw him soon after he was brought in. On account of my occupation the night before, I was given liberty the next day. I slept during the forenoon.

⁹For variants of the account of the capture of Santa Anna see *THE QUARTERLY*, V, 92-95.—THE EDITORS.

In the afternoon I heard a rumor of Santa Anna's capture, and went down to General Houston's camp near the bank of the bayou. Quite in contrast with Santa Anna's extravagant luxuries, Houston lay wounded on a blanket or two, with his head against a tree, and a rope was stretched around him breast high to keep him from being stepped on by passers-by. Santa Anna was already inside the rope, but few were aware that he was there. Lieutenant Bryan and Vice-President Zavala were interpreting. Almonte, who spoke English well, was also brought. Other officers came and received introductions to Santa Anna, but few remained by. I followed very closely his phrasing in his own language, and thought him a great diplomatist. Among his first propositions was an armistice, and when he understood it was not desired, unless for the purpose of negotiation for our independence, the substance of his reply, as I remember it, was that the fate of war had decided the matter, and he intimated that he would not be averse to granting it. I also remember that he laid stress on the fact that he still had four thousand men under arms on the Brazos, but offered for the sake of compromise to order them to retire. This is giving the particulars of my own remembrance, which does not differ in the main from other accounts.

6. The Aftermath of San Jacinto

We were forced to occupy the position nearly a week to dispose of property. As the Mexicans were not buried, the place became disagreeable; we moved three miles higher up. Generals Houston and Santa Anna were taken down to Lynchburg on a steamboat. General Woll came in about the last of April under a flag of truce to attend to the ratification of the terms settled on by the negotiations with Santa Anna.

Immediately after the battle men continued to arrive from the United States and from Eastern Texas. A company of volunteers from Eastern Texas marched into camp two or three days after the battle with banners flying and music. Men were also leaving. During the first week in May we marched to the Brazos, recrossing it at Fort Bend. The Mexican army had retired to the Colorado. I was away from the company several days, going up the Bayou in a steamboat to Allen's Landing, a single warehouse where the city of Houston is now situated, and I rejoined the company there.

Most of our wagons had been left behind and pack mules substituted. A complaint was made that more than half the mules taken from the Mexicans had been stolen. After crossing the Brazos we camped close by.

A flag of true sent by our commander and government to the Mexican camp returned, bringing the ratification of the so-called treaty by which the Mexicans were to retire beyond the Nueces, which meant beyond the Rio Grande, as there was no settlement or situation on the Nueces in which to take up a position.

The time of service of the greater part of our army, an enrollment of three months from the first of March, was now expiring, and on the 14th of May Captain Billingsly was ordered to go to Bastrop with his company to disband. We started on the 15th with a wagon and some pack mules, and the next day passed through San Felipe, which had been burned, and crossing Mill Creek, marched to some point on its waters in the direction of Bastrop, and camped at a house to which part of the family had returned. All other homes we passed were unoccupied; in their flight the people had left behind them hogs, cattle, and other property, but had taken with them their horses. At this particular place where we camped some horses had been left and were still there, and with them were two strays, which very much to our surprise and pleasure turned out to be the two horses on which George Green and I had started forth to join the army. George Green was a young man of my age; he and I started in company to the war; and he has since been my lifelong friend. He had kept his horse, as I did mine, after joining Captain Billingsly's company, which was considered infantry. At night we hobbled them and turned them loose to graze like the other horses of the company; but when we got to the Brazos bottom and encamped there the animals had to be taken to the highlands, four or five miles off, to graze under guard. Ours strayed off. We had walked most of the campaign. Green fared worse than I, for the quartermaster's department frequently furnished me a horse. Green had sold his saddle; mine was still with me in the baggage wagon.

After getting back our horses, Captain Billingsly willingly gave us a furlough for the remaining time of our enlistment, two weeks, until we should disband at Bastrop. Saying good-by to all

the members of the company, and exchanging many expressions of friendship and esteem, we set out at once. We rode through a section of country which is now in Washington County, passing the scattering houses by the way; all were deserted by their owners, but unmolested by Mexicans, with supplies and meat still hanging in the smokehouses. We reached Porter's the next day, Thursday, the 19th of May, in the lower part of Robertson's colony, which had in the meantime been changed by the Convention to Milam County. It will be called so by me after this, and I may here state that about eighteen months later the congress of the Republic formed two counties out of it, making and calling all of that portion east of the Brazos River Robertson County, and retaining the name of Milam for the portion west of the Brazos embracing all the tributaries of that stream north and northwest of the San Antonio Road to the head of the Brazos. A little later about seven or eight hundred square miles below the San Antonio Road to the Yegua were added. All of this territory now comprises about twenty-five counties, covering about twenty-five thousand square miles, and is still known as Milam Land District.

Much to our joy we found Porter and his family and some of the neighbors had returned. They had fled as far as the Trinity, but came back immediately after San Jacinto. Property was undamaged, as the Mexicans had not devastated east of the Colorado that high up the country. My cattle were all there except one horse that was carried off by a Mexican who had lived with an American family in pretended loyalty to Texas, but had disappeared at the same time my horse did, before the departure of Porter and others during the Runaway time. This was all the loss I sustained, and Porter and my friends had hunted that horse for me before they left.

Everybody got busy working out crops, and I helped Porter. But the people on the frontier had cause to be apprehensive of Indian attacks. A few families higher up the country who had not run away before, now after the Mexican scare was all over, moved down to the settlements for protection. About the first of June came the news of the capture of Parker's Fort by the Indians; it created general consternation. For the protection of

the frontier companies were at once formed, and I again entered the service just as my time of enlistment was expired.

The temporary government of Texas was for a short time at Galveston Island, where Santa Anna and the Mexican prisoners were also taken for safe keeping. This produced the laying off of Galveston. The government, however, was soon moved to Velasco, and Santa Anna and his aid-de-camp taken there; the other prisoners were left at Galveston, but all were released the next year. The government was again moved to Columbia, thirty miles above the mouth of the Brazos and six miles west of Bell's Landing at the wagoners' camping ground of old times. The next summer it was moved to Houston and remained there till its final move to Austin in 1839.

The greater part of the men who composed the army of San Jacinto were discharged by or during the month of June, 1836, and those living up the country joined the frontier service, while some of those below entered the new army organized in the fall and composed to a [large] extent of volunteers just arrived from the United States.

There was a general election that fall; and Houston was elected president; the constitution formed by the convention in March was adopted; a congress elected which convened in October at Columbia; and by the end of the year the government may be said to have been fairly inaugurated and organized. The Mexicans made themselves powerless by their own revolutions and general differences as to what course to pursue toward Texas. Our army, in a manner idle volunteers from the United States, would have been anxious for offensive operations; but now Houston's statesmanship began to show, and he acted on the defensive and awaited events.

Santa Anna, owing his release to Houston, was sent to Washington, and interviewed by President Jackson, and undoubtedly gave pledges to both not to interfere, at least, at present against Texas. But Santa Anna himself gained no power after his return to Mexico, then in a state of revolution for several years. His gallant leadership of the army in 1839 forced the French out of Vera Cruz and again gave him the ascendancy. He did not establish peace and gain the whole country until 1841, and by that time we had been recognized as an independent nation by

the principal powers of Europe and by the United States. England and France had begun to make propositions and to interfere in our behalf for our independence to be acknowledged by Mexico.

During these next five years up to 1841 the country on the frontier progressed but little in settlement, and not at all from the San Antonio River toward the Rio Grande. Even Goliad was not occupied. A few hostilities with Mexico, carried on chiefly by guerrilla parties, resulted usually in victories to our side. The country had no means for carrying on war or paying soldiers. We depended at first on donations and subscriptions from friends in the States. The population was so small and resources so limited that taxation was impossible. Tariff regulations could not go into force for some time. There was no revenue for the first two years, and any one serving in civil or military capacity was expected to do so on credit. Soldiers were promised a certain amount of pay, and those enlisting before the first of October, 1837, received a claim of 320 acres of land for every three months' service—to be located at their own expense.

In the fall of 1836 a battalion of rangers for the defense of the frontier was raised of which I became a member. We were promised twenty-five dollars a month and 1280 acres of land for every twelve months' service; the government furnished ammunition and rations, but we furnished our own horses and arms; we lived for the most part on game out of the woods. I have known more than one man enlisting to give his whole claim for land and money in advance for a horse, saddle and bridle, with which to serve for it. Ammunition was the only thing furnished us, and some beef now and then.

General Houston in due time saw what mischief the idle army stationed about the Guadalupe and San Antonio rivers might produce; in the spring of 1837 he began to furlough it off; then he called congress in the summer, and had the army discharged early in the fall. Congress at that time passed bills over his veto to issue paper money. The country became flooded with it in paying off the soldiery the next year. It depreciated in the year 1838 to two for one, in '39 to three for one, the next year to four for one, and in 1841 to eight for one. It was set aside the

next year, in Houston's second administration, but was finally paid after annexation.

By the constitution the first president was to serve only two years, and his successors three years without being eligible to succeed themselves. General Houston went out before Texas money depreciated. His successor proclaimed a war of extermination against the Indians; an attempt at the impossibility as already proven by the United States, and inaugurated expeditions against Mexico in which money was spent without law and to the financial detriment of the country.

*7. Little River Fort Established and the Elm Creek Fight,
1836-1837*

Enlisting again after San Jacinto I was attached to Robertson's company against the Indians, and in July transferred to Captain Hill's company which operated between the Brazos and Colorado, participating in an engagement on the Yegua in August. On the first of October I enlisted in a corps of rangers then commanded by Colonel Coleman, and served as lieutenant under Captain Barron who was stationed at the Falls of the Brazos (Viesca).

In the early part of November, 1836, I, with two sergeants, Lee R. Davis and McLochlan, was placed in command of a few over twenty men taken out of Captain Barron's company, and sent to establish the fort on Little River, about a mile from what is known as Three Forks near the banks of the Leon. Colonel Coleman with a few men went with us to the point designated, and after we had traveled, marked, cut out, and measured a road from the Falls to the spot, he left me, continuing on measuring a road to his fort on Walnut Creek about six miles east of where Austin now stands, and six or eight miles above Hornsby's, then the highest settlement on the Colorado.

An attempt to settle the surrounding country had been made the winter before, and here and there unfenced patches of corn, planted in the spring, had reached maturity in the unusually favorable season, and had not been eaten up by buffalo or other wild stock. By going or sending out I could procure a few bags of nubbins, and I issued my men an ear of corn apiece a day for bread, which they ground on a steel mill. Our meat was wild game which was plentiful. Honey had to be kept in rawhide or

deerskin sacks with the hair outside, and at Christmas we had several hundred pounds of it about the Fort. A very little coffee was brought up with us, and used with great economy. Coleman left me three or four axes and some other tools, a wagon and two yoke of steers, and the steel mill already mentioned. Pots and other cooking utensils and useful household things were found around the evacuated country in or near deserted cabins where the settlers had hidden them in thickets or other favorable spots before running away.

My memory for details on almost all subjects is good, but I am at a loss how to account for the amount of work done that winter by men who had to guard, hunt, cook, dress deerskin, and make clothes of it, particularly moccasins, and in all ways provide everything, and yet in six weeks time, by Christmas, I had up seven or eight houses with wooden chimneys, well covered, and with buffalo hide carpets down. I can say, however, that I had the honor to command a set of men unexcelled in capacity and industry, all of whom became good citizens of Texas. I know of but one now alive, Lewis Moore, living about six miles above Waco. Robert Childers, living in Bell County, is another who was with us, but not enlisted. One of the soldiers, Cullens, had his family with him, and occupied a cabin to himself, as did also Mr. Goldsby Childers¹⁰ who with his family and another grown son besides the one I have already mentioned was with us.

Congress having reorganized the ranger force, new officers were added; most of the old ones were retained; some of the inferiors promoted. Colonel Coleman was deposed by General Houston, and Major Smith appointed to take his place; and in consequence about Christmas time Lieutenant Curtis arrived at our fort with orders to take command, and for me to hold myself in readiness to proceed at any moment, under additional special orders still to be sent, to Colorado (Coleman's) Fort with notification to Colonel Coleman. The special orders for me came on the 4th of January, but with them McLochlan arrived, bringing the news that about twelve miles away on the waters of Elm Creek he had seen the tracks of some dozen Indians on foot going down the country. All was bustle and confusion during the night, as we

¹⁰The correct spelling of the names of Goldsby Childers and his sons has been verified by their kinsman, the Hon. Geo. W. Tyler, of Belton.

determined that these Indians should not be allowed to go down the country to do mischief.

Besides mine and Lieutenant Curtis's there were but ten horses belonging to the service. Lieutenant Curtis was properly in command, but he did not intend to go, nor let his horse go, but wanted me to go and take eight or ten men on foot. I was eager to go but opposed to taking men on foot. No decision was made during the night and in the morning it was raining, and continued to rain till the middle of the afternoon. By this time or at least with the closing of day it was decided what we would do, and next morning we started after the horses were got out of the woods, perhaps by nine o'clock. I had ten men from the service with their horses, a man by the name of Lishely who was looking at the country, who had been but a short time in Texas, and the two Childers boys. There were four young men from the settlements who started out with me. They had lived in the country before the Runaway, and were back to look after property and just starting home; so they promised to accompany me as far as I went toward the settlements. These young men left me when we had gone five or six miles, as I was bearing away from the course they wanted to go, which was toward their home at Nashville, sixty miles below. I was left with thirteen men, the three volunteers (Lishely and the Childers brothers) and my ten from the service whose names I give:¹¹ Sergeant McLochlan, Lee R. Davis, David Clark, an elderly man, Empson Thompson, Jacob Gross, Jack Hopson, John Fokes, Lewis Moore, Morris Moore, Green McCoy, the three last named were mere boys, two of them not fifteen years old, but expert with the rifle, good woodsmen, good hunters, and they had good rifles. Lee Davis had two good pistols, Lishely had one. They were all expert with the rifle. Jack Hopson was armed with a musket, and John Fokes, also a mere boy, not much used to woods life, carried a shotgun. I had a very good rifle and fine pistol, and with McLochlan was the best mounted. Only four of us had ever been in encounters before.

We went on a few hours longer before we struck the Indian trail. And behold! instead of a dozen the signs showed nearer

¹¹For a variant of this account of the Elm Creek fight see Brown's *Indian Wars and Pioneers of Texas*, 46, 47.

a hundred, all on foot and going down the country toward the nearest settlements. We followed, and came to where they had camped the whole day before during the rain. Their fires were still there; they had erected eight or ten shelters out of sticks and grass; each could shelter eight or ten men. The trail made a plain road; it was no trouble to follow. An Indian, or an old hunter, could have told by the cut of the moccasin soles to what tribe they belonged; but we did not have the art, and were perplexed on the subject. It was agreed that if they were wild Indians we could manage them; but if Caddos, or the like, we might find our hands full.

At nightfall, about twenty-three miles from the fort and about eight from where Cameron now stands, we lost the trail, but soon heard the Indians call to each other in the bottom not half a mile away. I fell back a half mile, and sent McLochlan and Robert Childers on again to reconnoitre. They returned before midnight, reporting that they could not find the camp. About four o'clock in the morning we saddled our horses and tied them to trees, and went on foot to where we had lost the trail, and at dawn found it again, going down into a ravine. We followed the ravine which ran parallel with a creek several hundred yards to another ravine at right angles, and here the Indians had turned square down to the creek. Following toward the creek, we heard the Indians coughing, and going up a bank across a bend came in full view of them less than a hundred yards away, all dressed, a number of them with hats on, and busy breaking brush and gathering wood to make fires. We dodged back to the low ground, but advanced toward them, it not yet being broad daylight. Our sight of them revealed the fact that we had to deal with the formidable kind, about a hundred strong. There was not time to retire or consult. Everybody had been quite willing to acquiesce in my actions and orders up to this time. To apprehensions expressed I had answered that we were employed by the government to protect the citizens, and let the result of our attempt be what it might, the Indians would at least be interfered with and delayed from going farther down the country toward the settlements.

They were camped in a small horseshoe bend. We took position at a point under the bank of the creek. It was not light enough for all to see the sights of their guns. Our distance from

them we thought at the time to be fifty yards, but it proved to be not more than twenty-five. While waiting there for it to grow lighter, altogether undiscovered by the Indians, a large spotted dog came from them to us, without creating any disturbance whatever, and went quietly back again.

When we fired some of them fell about the fires, but most of them stooped to grab their guns, and then took posts behind trees, raised a yell, returned the fire, and flanked out from both sides to get into the creek where they could see our strength. Half of us had jumped upon the bank. Had we all had pistols, or the six-shooters of the present day, we could have charged them and kept them running. But as it was, we had to keep our positions to reload our guns. They opened a heavy fire with their rifles. Their powder out-cracked ours; if a shotgun was heard, it was but once or twice out of five or six hundred shots. No bows and arrows were seen.

After a few minutes Clark and Frank Childers on my right flank were mortally wounded from the fire up the creek. Telling the wounded ones to go back as far as they could, I ordered my men to fall back in two squads, to the other side of the creek, to gain the top of the bank, and to post themselves behind trees, which they did, while I stood in my old position under the bank, loading my gun, and watching the Indians approach. As the men got posted, the Indians commenced charging with a terrific yell. I retreated to the other side of the channel of the creek, but found myself under a steep bank five or six feet high. The Indians came on, and jumped down the bank on their side where I had been. One had his gun within a few feet of me, fired, but missed me. I couldn't miss him, and he fell right before me. This shot and the fire of my men from their new position caused them to dart back again a few feet behind trees. I made an effort to get up the bank with my back to it and my face to the enemy; holding by a root with one hand, I swung partially up, but fell back. My men called to know if I was hurt; I said "No, help me up the bank!" Lewis Moore and Thompson lay down on the ground, reached their hands down and pulled me up with my gun.

Rallying them now, I had Davis fall back fifty or sixty feet with one squad and take a new position; I with the rest covered his movement. Then we fell back about the same distance be-

yond them; they covered our retreat; and so we continued, standing and retreating alternately, till we got several hundred yards to an open bottom. The trees were elm, about six inches in diameter, and the balls of the Indians kept striking them. My left reached the bank of the gully into which we had first descended. There was a big thicket on the opposite side. The Indians now charged us with great fury and yells, and we could not be blamed for seeking shelter. Seeing Indians dashing toward us on the right, McLochlan and I took to a big tree, and McLochlan presented his gun to shoot, but could not. I had mine loaded, took good aim at a bunch of Indians close by, but had no time to note the effect of my shot. McLochlan and I ran to another thicket, while the Indians, who still kept up their terrific yelling, got between us and the other men. Fifteen or twenty steps more and we reached the ravine that went square up from the creek, and here we found the wounded Clark who said something to us about fighting to the last or we would all be killed. McLochlan said he had nothing to fight with, as his gun was broken. Clark told him to take his, but he did not, but went on up the gulley and found the other men. I stayed a little longer with Clark, who was then sinking, but went on when I saw a half dozen Indians coming. I reached a different prong of the gully. After going two or three hundred yards more I got to open ground, reloaded my gun, and, seeing some of my men on ahead among the elm trees, called to them, and they waited for me.

The Indians no longer advanced; they went back. Some of them found Clark around whom they yelled and whom they butchered up. But they did not find Frank Childers, who had sat down by a tree, leaned his gun upright against it, and died there within twenty-five steps of the thickest of the fighting. I collected my men, found one missing, who we rightly supposed got out of the way uninjured. We heard the Indians turn their noise from a yell to a howl. I thought then that they would not stay long in the place, and that we might remain around and later in the day go back to look after our dead men, but I cannot blame my men for rejecting my proposition to do so. Several of them then informed me that they would never have gone into the affair except for the possibility of being impeached for cowardice or disobedience to authority.

There were several narrow escapes during the fight; a ball broke McLochlan's ramrod, another his gun lock, and still another went through his powder horn and let the powder out. One went through a handkerchief on his head and cut his hair, and another went through his coat.

We arrived at the Fort that night, Saturday, the 7th of January, 1837. I started the next morning with four men for Colorado Fort to carry out the orders I had received, and have never been back to the battle ground since.

Next day Lieutenant Curtis sent McLochlan there with about fifteen men to bury the dead. He arrived after nightfall and from various signs concluded the Indians were still there. He sent one of his men on to the Falls of the Brazos by a roundabout way to inform Major Smith; and himself returned with the rest to Little River Fort. The messenger sent disseminated the news along the way, and it got down to Nashville and to the few settlements below clear to Washington County, creating considerable fear of Indians. On the night of the 9th of January, just after I arrived at the Colorado Fort with the news, and about the time McLochlan got back to Little River Fort with the supposition that the Indians were still around, a big snow storm came up and sleet and ice delayed all movements.

I got back to Little River Fort on the 16th, and learned from Curtis that a dozen men from the Fort had now gone down to meet some more from the Falls and that, with what volunteers they could muster from the settlements, a big battle was to be given the Indians. That same evening of the 16th of January, the men who had gone from it, and Major Smith with his men from the Falls, arrived at Little River Fort. They had found Childers untouched where he had died at the battle on Elm Creek. The Indians apparently remained only long enough to gather up their dead, which according to their own statement later was ten.

At the time we attacked them they were within eight miles of Walker's house, where Neil McLennan's family and his son-in-law's family were living. McLennan himself, with his son and two negroes, was at work on Pond Creek twelve miles higher up. Women and children left alone might have suffered the next day had we not then turned the Indians from going farther down the country.

THE BRYAN-HAYES CORRESPONDENCE

EDITED BY E. W. WINKLER

VII

BRYAN TO HAYES

Galveston, May 2nd, 1876.

Dear Rud:

I enclose you the printed slip & letter from Norton. So far as my name (attached to the letter) is concerned, if it can by judicious use do you good, you are welcome to it, and I will not go back on it, unless I find I am in error which I take for granted you would correct if it were so, for you know the purity of the feeling that dictates my utterances and action. I let Norton take his own course about publishing the letter. I really expected it deserved its publication but I left him free to act his pleasure—he has been judicious.

The Delegation from this State to the Cin. Convention is a mixed one in color and character. I would advise you if nominated not to compromise yourself with them. Norton is the best one of the lot & is your friend.

In regard to the Centennial in my last was in reply to yours.

If you are beaten in Convention it will do you no harm, for your merits will be more widely known, & your reputation will be enlarged. I have not as yet received Norton's newspaper with letter published.

Yours,

Guy.

P. S. Present me kindly to Webb & family & to your family. I received card of marriage of Miss Minnie Fay. Is she daughter of Tudor?

(Enclosure: Copy of Printed Slip)

Hon. Guy M. Bryan's Opinion of Gov. Hayes.

In giving to the public the following manly tribute from the pen of Hon. Guy M. Bryan, to the worth of Gov. Hayes, of Ohio, we trust that we commit no breach of confidence. As it is in regard to a public man now very prominent, we take the responsibility of giving it publicity, as the opinion of one for years asso-

ciated with Rutherford B. Hayes, in the same class at college, and having every opportunity to know the intrinsic worth of the man. Since that period of genuine friendship, these boys have grown into ripe manhood, and have been honored by their respective parties, by seats in Congress—the one from the frozen regions of the North, the other from the Sunny South—they have held many public positions and have creditably discharged the various duties incumbent upon them; and now, after their long separation by distance and by different political views, and the espousal of opposite sides in the terrible war in which their respective sections have been engaged, Hon. Guy M. Bryan pays what we call a manly tribute to the worth of Governor Hayes. We sent to several of our old Kenyon friends our brief notice and from a number we have received letters expressive of like kindly feelings.

Without further prelude we invite attention to the estimate placed upon Governor Hayes by a distinguished Democrat of Texas, with whom politically we have always differed, but for whom, as for many other opponents, we have cherished the kindest feelings. The selection of Hayes as a standard bearer would, in our judgment, insure success, and give to the Nation a President of proverbial honesty and integrity.

Galveston, April 18th, 1876.

Hon. A. B. Norton:

Dear Sir—I am indebted to your kindly feeling for the *Intelligencer* of the 15th inst. containing your article on Gov. R. B. Hayes & "Old Kenyon," the *Alma Mater* of each of us.

I have seen with much pleasure & satisfaction that Gov. Hayes has been frequently mentioned by the press, & unanimously nominated by the Republican Convention of Ohio for the Presidency of the United States.

Although I am & have long been from principle a Democrat, & expect to support & vote the Democratic ticket at the next presidential election, yet I hope that Gov. Hayes will receive the nomination of the Republican party, for if your party should be successful, there is no distinguished member of it I would rather see President than Rutherford B. Hayes, for I know him well, and I believe that he is honest, that he is capable, & that he will be faithful to the constitution. Having been in Congress four years & Gov. of Ohio the third time, he has experience & is a statesman of incorruptible integrity—besides being a genial & dignified gentleman, a scholar, a sound lawyer & patriot—one who if elected would be president for the whole country & not of a section. What the South most needs is *good local government*, & one in the presidential chair who will do all he can under the constitutions, federal & state, to promote it. I believe if elected Hayes will do this.

In addition to what I have said, I will add that he has of my own knowledge a personal interest in our State. He spent the

winter & part of the spring of 1848 & '49 in Texas. Since then he has kept up his interest in our State, & to-day has a better Texian library than many of our own educated citizens. In the first speech of his late political campaign (which he sent me), he spoke of Texas in the most complimentary manner. I can most truthfully say that my old classmate & almost lifelong friend Rutherford B. Hayes deserves all, & more than all that you have said of him. And I believe if he should be chosen President, that he will make such a President as to secure the confidence of the South as well as the North. And if any one of your party can bring back the Monroe era of good feeling in politics, it is R. B. Hayes.

Very truly, &c

Guy M. Bryan

HAYES TO BRYAN

Private

Columbus, O.

7 May 1876

My dear Guy:

I have your note of the 2nd enclosing Norton's letter & yours in print.

I repeat with more emphasis than before what I said in my last letter to you that this gives me more satisfaction than any other commendation I have received. It has been my chief ambition in this whole affair to behave sensibly, and to do nothing unjust, or uncharitable, even towards opponent. If I can do this to the end, the failure in the Convention, which I anticipate, will affect me very little.

I note what you say as to characters, and as to the Convention and its action. I think as you do, that if I conduct myself properly, it can in no event injure me. Still, if I could properly drop out of it, I would do so.

I am in the midst of one of the troubles which an Agricultural State like yours is free from. We are becoming a mining State. Coal miners on a strike are like to be led by their worst elements. They make war on property and labor. They are strongly bound together. The best of them, anxious to do right, will yet not give information or evidence against their criminals. An informer or spy on a comrade they abhor. Violence, arson, perjury and other crimes are resorted to, to gain their ends. Generally there has been hesitation to use force, and the rioters gain strength. I am trying a prompt, decided policy. The laws are defective

but I think we shall succeed. This is the remedy for present evils. But how about the future? We shall have 50,000 men—energetic, shrewd, brave, reckless, and unprincipled in this State in mines within a few years, unless we find a way to civilise and educate them. When this thing is ended, I mean to address myself not to the punishment but to the elevation of this class. It is a difficult problem, but we must solve it, or untold evils will be upon us in a few years.

Sincerely,

R. B. Hayes
H.

P. S. I return N's letter.

BRYAN TO HAYES

Private.

Galveston, June 8th, 1876.

Dear Rud:

I send you the remarks of the most influential paper of the State on my letter to Norton in regard to you and your candidacy. The article was a leader in the daily Galveston News of some weeks since. I laid by another article from another paper (Democratic) commenting on the remarks of the News and sustaining my views, etc., but I laid it away so carefully I can't find it. The News publishes this article and says it is not understood by the people, etc. I desired you to read the remarks of both papers thinking that it would give you a very fair idea of the opinion of leading papers and thoughtful men of the South on federal politics. And here it is appropriate for me to refer to that part of your last letter in regard to the Miners. I agree with your feeling and apprehensions on this subject, but differ with you when you say, "troubles which an agricultural State like yours is free from," for we have experienced similar troubles in the South ever since the close of the war from a discontented and ignorant class influenced too often by depraved leaders, who teach and control them for selfish purposes, bound together by prejudices, loyal league and other oaths. They war on property and labor and often will not give true evidence against their own color. Violence, arson, perjury and other crimes are resorted to to gain their end. Valuable property has been reduced to nominal prices and often life rendered insecure. Society and property are so much affected by this

state of things that whole sections of States have become demoralized and dilapidated where once abode refinement, intelligence and prosperity. The remedy with you is easier and quicker than with us, for your violators of the law are caucasian and may mix with and become identified with you by time, effort and wisdom, while the same element with us is different, physically and morally. The Almighty has made them a separate people; they go for and with their color, in spite of all the kindness shown by the whites, because they have been taught that the whites are their natural enemies, by the selfish men who have controlled and led them since emancipation. With uncontrolled suffrage where will we land! Well may we ask ourselves as you do what will be the future? Such an element added to the discontented and needy white population found in every State and increasing in the Southern, may well fill the mind of the thoughtful patriot with gloomy apprehensions. But such questions open a noble field of useful labor to the *conscientious patriotic statesman*—

“Oh but for such, Columbia’s days were done;
Rank without ripeness, quickened without sun,
Crude at the surface, rotten at the core,
Her fruits would fall before her spring were o’er.”

For in this age of the Republic, position for emolument and display is more sought after than for the good of the State. To such as you must the republic look for *honest statesmanship*, which only can bring back the government of our fathers. If you should be nominated and elected President, I hope that you and your wife will have the moral *courage*, strength of will and *patriotism* to establish at the White House *simplicity* in *dress* and *living*. There would be a moral grandeur and an effect in this, that would touch the chord in the honest and patriotic heart of the Nation, that would bring forth a shout of halleluja throughout the land.

I sympathize with you in your trouble with the miners and I sincerely trust that your decision, good sense and firmness coupled with proper conciliation and severity will bring the rioters to reason and duty. Your views of elevating the erring men is noble and I hope will be successful. As ever your friend,

Guy M. Bryan.

P. S. The character of our correspondence is gratifying to me, for it is that of *friendship* and *sincerity* for the *good* of *country*. You say no commendation has pleased you as much as mine, if I understand you, it is because it is the commendation of your old classmate and friend of opposite politics who retains respect and confidence in the friend of his youth? I do entertain this and still have my affection for you strong and stronger as we grow older, but, Rud, I too am governed by another feeling strong with me, love for my State and section, for I believe if you are elected you will be just and a friend to both as well as to the whole country under the law, promoting good government for all.

(Enclosure: *Galveston News Leader*, May 11, 1876)

Traits and Requisites for the Right Kind of President

The Hon. Guy M. Bryan lays us under obligation for a really captivating picture of a living example of fitness for the presidency at this stage of the nation's existence. We are told, with characteristic felicity of phrase, that the person whose traits are commended to notice, "has experience and is a statesman of incorruptible integrity—besides being a genial and dignified gentleman, a scholar, a sound lawyer and patriot; one who, if elected, would be President for the whole country, and not for a section. What the South most needs is good local government, and one in the presidential chair who will do all he can under the constitutions, Federal and State, to promote it. I believe, if elected, Hayes will do this." It may be a shock to some readers to learn that the "Hayes" of the above encomium is Rutherford B. Hayes, Republican Governor of Ohio, who beat Gov. Wm. Allen, Democratic candidate, in the memorable contest of last fall. It may also be a shock to some readers to learn from the esteemed author of the encomium that he does not propose the election to the presidency of the gentleman whose qualifications for the position he has forcibly denoted. "Although," says Mr. Bryan, "I am and have been from principle a Democrat, and expect to support and vote the Democratic ticket at the next presidential election, yet I hope Governor Hayes will receive the nomination of the Republican party." Notwithstanding the rather steep antithesis presented in a foregone opposition, in a given contingency, to a confessedly very worthy man for the presidency, the emphatic tribute to the merits of a political opponent is at least some relief to the exasperating monotony of partisan illiberality and ungraciousness. There is but one circumstance, indeed, to deprive it of the significance of a suggestion, or even a prophecy, of the approach of a halcyon era in politics. We refer to the influence of old ac-

quaintance and schoolfellowship—the Hon. Guy M. Bryan and Gov. Hayes being alumni of the same alma mater, “Old Kenyon”—upon the mind of the Democratic eulogist of the Republican Governor. “I know him well,” declares Mr. Bryan, “and I believe that he is honest, that he is capable, and that he will be faithful to the constitution.” It is almost a pity that we should have to consider in this case how far the praise might have to be discounted to offset a friendly partiality. Gov. Hayes is, at all events, a presidential possibility, and if the Democratic limner has not overdrawn the picture, he is exactly the kind of man who is wanted for the presidency, to elevate the standard of public morality, and to achieve the blessings of good government for the whole country. The country will not be satisfied with less than a man of positive worth and ascertained capacity. It is tired and sick of wild experiments with available negatives and presumptive incapables. High sounding declarations of principles, glittering generalities about reform, will not do. All parties claim to be the upholders of high and pure principles. All parties claim to be for reform as a general proposition. There have been times when the professed purpose was an absorbing consideration, and but little account was taken of the presidential instrument. Now everything seems to depend upon getting a good instrument—a President who is known to be something more than the stalking horse of barren idealities, but whose career and character afford assurance that he can distinguish between the conditions of honest and of dishonest government, and that he has the will and the ability to promote a satisfactory and prosperous administration of public affairs. We suspect that the number of independent and patriotic citizens who don’t care particularly whether such a man is called Republican or Democrat, or some modification of either, if only the country can secure the benefit of his services where they are most urgently needed, is by no means inconsiderable, and is steadily increasing. It is possible, too, that these citizens, without organization, without noise, without platforms and banners and campaign cries, will hold the next presidential election in their hands, prepared to decide it, if elements admit, in the interest of practical reform, wise conservatism and safe progress.

BRYAN TO HAYES

Private.

Galveston, June 17th, 1876.

Dear Rud:

I congratulate you on your nomination. I wish however that you had one associated with you of like character with yourself. It is conceded by men of my party that you will be hard to beat, and that the Democracy at St. Louis must put forth their best and most available man. To say that I am gratified that you are

nominated would but faintly express my feelings. As a personal friend, and lover of my country and section I rejoice, and this is the feeling of many Democrats. The country is worn out with the class of men so long directing its affairs. I shall expect nothing of you that you cannot do. I regret that you will be restrained by your party from doing some things you would do without this restraint. It is expected of you by all that you will be if elected a *reformer* and opposed to *sectionalism*. I am glad Texas voted for you. I have no doubt that Norton was your best friend in the Delegation and pursued the course he thought best for your interests. I am glad that I did what I could for you although I am and expect to remain a Democrat, and to support the Democratic ticket at the presidential election. Your time I suppose will now be so much occupied I shall seldom hear from you—this I regret, for as I grow older I value more you and our past.

I cannot know your duties and obligations as well as yourself, but if you can do so properly it would carry out the idea I have given of you, if you would resign your present office, placing the resignation on high grounds of delicacy and propriety. This would be giving the country an earnest of return to old ruts, and would strengthen you in the race. You cannot conceal from yourself that the chief cause of your nomination was your high character, *do nothing to lower this impression*, but increase and deepen it. I hope the canvass will be conducted without disagreeable personalities, and without abuse of the South. I regret that I cannot throw myself in the canvass with all my might for *you*, on account of our personal relations and the confidence I have in you.

Present me kindly to Mrs. Hayes and your children.

Sincerely as ever,

Guy

HAYES TO BRYAN

Columbus, O

18 June 1876

My Dear Guy:

I am now seated to write my first letters since the nomination. It is merely to again assure you of the pleasure your good words gave me and to thank you for them. I am sobered and quieted by the event. In other respects as calm and self-possessed as

usual. I have broken down with emotion twice for a moment only. Once on reading Blaine's handsome dispatch, and once by an allusion to the gratification this would have given Uncle Birchard and Sister Fanny if they could have been spared! But alas! alas!—and so every cup has its bitterness. My wife joins in best regards.

Of course you will understand that I do not expect or dream of your separating from your party to support me. Our friendship is a personal affair, our political conduct a matter of principle. You will not find the least coolness creeping into my feelings towards you because you stand by your own party.

Sincerely

R. B. Hayes

BRYAN TO HAYES

Private.

Galveston, June 19th, 1876.

Dear Rud:

Enclosed you will find what the leading paper of our State thinks of your nomination.

Already I have been asked to give letters of introduction to you; of course this courtesy of simply introducing I cannot refuse, but unless I say the party is my *friend*, or has my *confidence*, regard these letters as formal introductions and not endorsements of the persons. I say this as a proper precaution.

As ever yours,

Guy M. Bryan.

P. S. Whenever you write me for my eye only *say so*, and your confidence shall be strictly respected. I would no more think of abusing it than our friendship.

(Enclosure: *Galveston News Leader*, June 17.)

The Nomination of Hayes

Were we to speak simply as Democratic partisans, seeking party success as in itself the supreme object of political desire, we would deplore the nomination of Gov. Rutherford B. Hayes as about the best and strongest which the Republican party could have made. But we cannot speak in the spirit of patriotic and thoughtful citizens, contemplating the possibility of Republican success in the presidential campaign, and solicitous of an honest administration and the abatement of the pernicious agitations of sectional politics, without rejoicing in the promise which this nomination affords

that, in any event, the country will be spared the continuance of a rule which, under the name of Grantism, has become synonymous with almost every public mischief, corruption and infamy. Gov. Hayes will be a hard man to beat. We could not assert the contrary without evincing gross obtuseness or a shameful lack of candor. The Democratic leaders cannot too soon recognize and ponder the fact that their adversaries have nominated for President a man whose character and record, while free from personal reproach, is eminently calculated to call forth the full strength of the Republican party, including the reform element represented in the late New York conference. With the failure to nominate Blaine, Conkling, Morton, or some such man, it becomes more than ever necessary for the Democrats to project their campaign on the very highest level of national patriotism and statesmanship, and to meet the wants of the whole country with regard to civil service reform and other urgent questions of public policy. Not many months ago, it should be remembered, disgust with Republican rule was well-nigh universal, owing to its neglect to redeem its pledges respecting civil service reform, its systematic advancement of incompetent and knavish men, its fostering, as attested by a frightful series of disclosures, of official brokerage, venality and larceny in every department of the government. The party seemed to be reeling to ruin, a hopeless prey to its bad elements. At the same time the country was obviously drifting toward the Democracy. But suddenly this movement gave signs of pause, and the old vitality of the Republican party began to reassert itself. How shall we account for this new phase of the situation? Beyond question, one of the chief causes of it has been the disappointing course of affairs in the Democratic House of Representatives. The majority in that body have failed to master and solve any great problem of legislation, after failing at the outset to take a practical step towards a sound civil service by resisting the importunities of office seekers such as Doorkeeper Fitzhugh and such as those who paid court to that whole-souled specimen of an official Sancho Panza. But if the Democratic party has been on trial, so to speak, in the Democratic House of Representatives, it is not too late for that body to command the favorable judgment of the country by proposing specific and salutary measures of civil service reform, and specific and salutary measures of financial policy designed to remove the painful depression of business, enterprise and industry which the financial policy of the dominant party has inflicted. The St. Louis convention must do the rest, and that body will commit a fatal blunder if it fails to adjust its action to the fact that the nomination of Governor Hayes places the principal battlefields of the presidential contest in the West and in the Middle States, and more especially in Ohio and Pennsylvania.

HAYES TO BRYAN

Fremont, 25 June 1876

My Dear Guy:

I have your two letters, and feel and appreciate all you say. You ought to support any good Democrat against me. *We feel* very much alike, but on one or two topics my notion of the remedy is surely not yours. On *money, corruption, extravagance, the civil service, &c. &c.*, we agree in our conviction, no doubt. I am not so sure as to all the other points. *I* think the foregoing the vital things. But our friendly relations, I want under all circumstances to preserve undisturbed.

I note your words on letters of introduction. Perfectly correct. I cannot write much, or often, until this *doubtful* contest is ended, and what I do write will be confidential. My reception here was great and touching. The Democrats took it in hand—no partisanship.

As ever

H

I did feel extremely pleased to have the support of Texas—Norton was earnest and discreet.

To resign would be a great comfort on all accounts—would do it if practicable; but *duty* forbids even if it beats me. You would say so if you knew the facts. But don't allude to this. It is strictly private.

BRYAN TO HAYES

Private

Galveston, June 27th, 1876.

Dear Rud:

I have received yours of the 18th inst. I appreciate (as you would have me) your thinking of and writing me among your *first* letters after your nomination. In this your feeling has the freshness and truth of our early and long attachment associated with your most delicate and sacred feelings as evidenced by your allusion to your Uncle and sister Fanny. I shall ever cherish the heart memory of these dear ones so intimately associated with you and happy days. Your sister with her loving heart and speaking face that made her home mine, and filled that home with sunshine, and that good and pure man and true friend "Uncle Birchard" are before me now. I see them. Him, as we three reclined

on the green sward at the dear old place in Columbus smoking the cigars he got in Cuba—riding in the prairies of Texas, and later, on the platform at Fremont with tears in his eyes as he lingeringly held my hand, gave me his blessing and last farewell. They are gone; would they were with you! I rejoice that I knew them and that they were my friends, and that this is one of the links that binds us together in that *confidence* and *affection* that political party associations cannot impair. Realizing this fully, I appreciate what you say in your last—"You will not find the least coolness escaping into my feelings, toward you because you stand by your own party." Some cannot understand why I should have stepped forward to secure and feel so much interest in your success before the Cin. Convention, and now rejoice in the good words spoken for you, and yet not advocate your election over a Democrat. Day before yesterday I was waited on by two Republicans who were preparing for the ratification of your nomination in this city, to unite with them. I replied that while you and I were personal friends and that you were a good man and my friend, and I rejoiced in your success, and thought your nomination was the strongest that their party could have made, and that you would as far as your party would permit administer the government for the good of the country, yet, I was a Democrat, and should act with my party from principle. I will however say frankly to you, from my confidence in your virtue, your justice, your patriotism and good sense, and in the opinions you have expressed to me in regard to the sections and the late war, and what should be done for *love of country* in the *future*, I would consider it the best thing that the St. Louis Convention could do *for the country* to nominate you for President, and the noblest and ablest of the Democrats for Vice-President. This would place you where I would have you free to do what your head and heart would dictate, and I doubt not the result. I know that you will as *far as you can*, act for the *whole* and not for a part of the *country*. But a party man cannot always do as he wants to, and on this account Democrats who would vote for you will abstain. Let me beg you Rud not to give way to any pressure in favor of sectional agitation. *I believe you will be elected*, and if you are, what a great and glorious future will be open to you—to be the great pacificator.

Do this my dear friend and God will bless you. O, we hunger for peace and good government in the South. Be true to yourself and we will yet be together in politics as we are in heart. Present me most kindly to your wife,

Yours as ever,

Guy M. Bryan.

P. S. *Send me the best picture of yourself and wife*, so that I can keep them. I have heard several Democrats say that they are satisfied with you and would be satisfied if the St. Louis Convention would nominate you. One of our wealthiest men J. H. Hutchings, firm of Ball, Hutchings and Co., Southern born and life long Democrat, told me this a few days ago—this feeling is very strong and don't do anything to impair it, for if you are elected as *I think you will be*, you can utilize for the good of country such feeling. When *convenient* write me, and permit me occasionally to do the same.

HAYES TO BRYAN

Columbus, 27 June [1876]

Dear Guy:

Here is a letter you will feel interested in.³⁴ Please return it.

Sincerely

R B Hayes

BODINE TO BRYAN

Gambier, Ohio,
June 29th, 1876.

My dear Sir:

The authorities of Kenyon College desire to have prepared & published in one of our leading Monthly Magazines an illustrated sketch of Kenyon. They believe that the great interest now felt throughout the land in Gov. Hayes makes the present the best time for such a publication.

Gov. Hayes is now here amid the scenes of your college days.

I asked him last evening as to the friends of his college life. He mentioned you, & spoke of your correspondence & action with regard to his nomination.

It occurs to me that some reminiscences of Kenyon as she was

³⁴Perhaps, a letter from J. L. M. Curry to which Bryan refers in his letter to Hayes, September 4, 1876.

in your time would add interest to a sketch of Gambier. If you can help us in this way, the kindness will be much appreciated.

Gov. Hayes mentioned an article about him which you had had published. I might get some aid from that.

I remain &c very truly &c

Wm. B. Bodine

HAYES TO BRYAN

Columbus, O., 8 July 1876

My Dear Guy:

I *recd* today your letter of the 27th. My absence, and duties, prevented my seeing it sooner. I appreciate it. You will see in my letter of acceptance, I trust, the influence of the feelings which our friendship has tended to foster. It will cost me some support. But it is right. I shall keep cool, and no doubt at the end be prepared for either event.

Sincerely

R. B. Hayes

P. S. I saw at the Centennial several of your friends.

H

(Enclosure: Hayes' Letter of Acceptance)

Columbus, Ohio, July 8, 1876.

Gentlemen:

In reply to your official communication of June 17, by which I am informed of my nomination for the office of President of the United States by the Republican National Convention at Cincinnati, I accept the nomination with gratitude, hoping that, under Providence, I shall be able, if elected, to execute the duties of the high office as a trust for the benefit of all the people.

I do not deem it necessary to enter upon any extended examination of the declaration of principles made by the convention. The resolutions are in accord with my views, and I heartily concur in the principles they announce. In several of the resolutions, however, questions are considered which are of such importance that I deem it proper to briefly express my convictions in regard to them.

The fifth resolution adopted by the convention is of paramount interest. More than forty years ago a system of making appointments to office grew up, based upon the maxim, "To the victors belong the spoils." The old rule, the true rule, that honesty, capacity, and fidelity constitute the only real qualification for office, and that there is no other claim, gave place to the idea that party services were to be chiefly considered. All parties in practice have adopted this system. It has been essentially modified since its

first introduction. It has not, however, been improved. At first the President, either directly or through the heads of departments, made all the appointments, but gradually the appointing power, in many cases, passed into the control of members of Congress. The offices in these cases have become not merely rewards for party services, but rewards for services to party leaders. This system destroys the independence of the separate departments of the Government. It tends directly to extravagance and official incapacity. It is a temptation to dishonesty; it hinders and impairs that careful supervision and strict accountability by which alone faithful and efficient public service can be secured; it obstructs the prompt removal and sure punishment of the unworthy; in every way it degrades the civil service and the character of the Government. It is felt, I am confident, by a large majority of the members of Congress to be an intolerable burden and an unwarrantable hindrance to the proper discharge of their legitimate duties. It ought to be abolished. The reform should be thorough, radical, and complete. We should return to the principles and practice of the founders of the Government—supplying by legislation, when needed, that which was formerly the established custom. They neither expected nor desired from the public officers any partisan service. They meant that public officers should give their whole service to the Government and to the people. They meant that the officer should be secure in his tenure as long as his personal character remained untarnished and the performance of his duties satisfactory. If elected, I shall conduct the administration of the Government upon these principles, and all constitutional powers vested in the Executive will be employed to establish this reform. The declaration of principles by the Cincinnati convention makes no announcement in favor of a single Presidential term. I do not assume to add to that declaration; but believing that the restoration of the civil service to the system established by Washington and followed by the early Presidents can be best accomplished by an Executive who is under no temptation to use the patronage of his office to promote his own reelection, I desire to perform what I regard as a duty in now stating my inflexible purpose, if elected, not to be a candidate for election to a second term.

On the currency question I have frequently expressed my views in public, and I stand by my record on this subject. I regard all the laws of the United States relating to the payment of the public indebtedness, the legal-tender notes included, as constituting a pledge and moral obligation of the Government, which must in good faith be kept. It is my conviction that the feeling of uncertainty inseparable from an irredeemable paper currency, with its fluctuations of value, is one of the great obstacles to a revival of confidence and business, and to a return of prosperity. That uncertainty can be ended in but one way—the resumption of specie

payments. But the longer the instability of our money system is permitted to continue, the greater will be the injury inflicted upon our economical interests and all classes of society. If elected, I shall approve every appropriate measure to accomplish the desired end; and shall oppose any step backward.

The resolution with respect to the public school system is one which should receive the hearty support of the American people. Agitation upon this subject is to be apprehended, until, by constitutional amendment, the schools are placed beyond all danger of sectarian control or interference. The Republican party is pledged to secure such an amendment.

The resolution of the convention on the subject of the permanent pacification of the country, and the complete protection of all its citizens in the free enjoyment of all their constitutional rights, is timely and of great importance. The condition of the Southern States attracts the attention and commands the sympathy of the people of the whole Union. In their progressive recovery from the effects of war, their first necessity is an intelligent and honest administration of government which will protect all classes of citizens in their political and private rights. What the South most needs is peace, and peace depends upon the supremacy of the law. There can be no enduring peace if the constitutional rights of any portion of the people are habitually disregarded. A division of political parties resting merely upon sectional lines is always unfortunate and may be disastrous. The welfare of the South, alike with that of every other part of this country, depends upon the attractions it can offer to labor and immigration, and to capital. But laborers will not go and capital will not be ventured where the Constitution and the laws are set at defiance, and distraction, apprehension, and alarm take the place of peace-loving and law-abiding social life. All parts of the Constitution are sacred and must be sacredly observed—the parts that are new no less than the parts that are old. The moral and material prosperity of the Southern States can be most effectually advanced by a hearty and generous recognition of the rights of all, by all—a recognition without reserve or exception. With such a recognition fully accorded it will be practicable to promote, by the influence of all legitimate agencies of the general Government, the efforts of the people of those States to obtain for themselves the blessings of honest and capable local government. If elected, I shall consider it not only my duty, but it will be my ardent desire, to labor for the attainment of this end.

Let me assure my countrymen of the Southern States that if I shall be charged with the duty of organizing an administration, it will be one which will regard and cherish their true interests—the interests of the white and of the colored people both, and equally; and which will put forth its best efforts in behalf of a

civil policy which will wipe out forever the distinction between North and South in our common country.

With a civil service organized upon a system which will secure purity, experience, efficiency, and economy, a strict regard for the public welfare solely in appointments, and the speedy, thorough, and unsparing prosecution and punishment of all public officers who betray official trusts; with a sound currency; with education unsectarian and free to all; with simplicity and frugality in public and private affairs; and with a fraternal spirit of harmony pervading the people of all sections and classes, we may reasonably hope that the second century of our existence as a nation will, by the blessing of God, be preeminent as an era of good feeling and a period of progress, prosperity, and happiness.

Very respectfully, your fellow citizen,

R. B. Hayes

To the Hon. Edward McPherson, Wm. A. Howard, Joseph H. Rainey, and others, Committee of the National Republican Convention.

HAYES TO BRYAN

Private

Columbus, 10 July 1876

My Dear Guy:

You will be almost if not quite satisfied with my letter of acceptance—especially on the Southern situation. I send you the comments of the *Cinti Commercial*. It is an independent paper with no tendency towards meddling needlessly with Southern affairs.

We are all well.

Sincerely as ever

R

(Enclosure: Leader of the *Cincinnati Commercial*, July 10.)

Governor Hayes' Letter of Acceptance

The political paper of the day is Governor Hayes' letter of acceptance of the Cincinnati nomination for the Presidency. It is a good letter. The sentences are cautiously made up, and in the last paragraph there is a clever ringing of popular phrases.

The nomination is accepted with "gratitude," which does not seem to us precisely the best word. It is better to express in such cases a sense of public responsibility rather than of personal obligation; but any lack in this respect in the earliest form of statement is remedied in the admirable aspiration "to execute the duties of the high office for the benefit of all the people."

The "paramount interest" of the fifth resolution of the Cin-

cinnati platform is asserted by the Governor. The resolution thus emphasized is as follows:

"Fifth—Under the Constitution the President and heads of departments are to make nominations for office; the Senate is to advise and consent to appointments, and the House of Representatives is to accuse and prosecute faithless officers. The best interest of the public service demands that these distinctions be respected; that Senators and Representatives who may be judges and accusers should not dictate appointments to office. The invariable rule in appointments should have reference to the honesty, fidelity and capacity of the appointees, giving to the party in power those places where harmony and vigor of administration require its policy to be represented, but permitting all others to be filled by persons selected with sole reference to the efficiency to the public service, and the right of all citizens to share in the honor of rendering faithful service to the country."

Governor Hayes does not seem to have entirely entered into the fact that President Grant has distinguished himself in Civil Service matters. "Party services" have had very slight consideration under the Grant Administration. In the first place, Grant appointed his relatives; in the second place, the persons he knew; in the third place, the friends of his relatives and acquaintances. It was not until this supply was exhausted that Grant thought of the party which, in his estimation, he had saved from defeat by making the sacrifice of accepting the Presidency. This is not exactly the fifty-year-old policy of which Governor Hayes speaks. The worst blunders of Grant have not been in obeying, but in disregarding the suggestions of members of Congress, who claimed a share in the distribution of the patronage. Governor Hayes says offices have become not merely rewards for party services, but for services to party leaders. In Grant's case the Government has been made to serve, as Carl Schurz says, as a milch cow for Grant's relatives and favorites, and Grant's idea of Civil Service Reform has seemed to be the perpetuation of his personal favoritism; and it is this above all things the public want an end of. The country has been degraded under Grant's administration by improprieties in appointments unheard of under other administrations. Now, reform will not consist in keeping Grant's appointees in place; and the great danger of the Republican party is, that the people will prefer Tilden to Hayes because the election of the Democratic candidate would at least insure a thorough change. The ox knoweth his owner, and the ass his master's crib, too well. But Hayes promises ample change in "a strict regard for the public welfare solely, in appointments."

The majority of the members of Congress do not feel that it is a burden, intolerable or otherwise, to distribute the patronage of their districts. On the contrary they regard this distribution

as the most remarkable evidence of their power and the most precious of their privileges as great men; and they have quarreled with Grant chiefly because he preferred his worthless brothers-in-law and cousins, and old cronies, to the party workers. Grant was deeply of the opinion that if he could get his nine brothers-in-law and his forty forty-second cousins into the public service he was promoting Civil Service reform. Governor Hayes need not lay the flattering unction to his soul that, if he is elected President, the Congressmen will be happy to throw their intolerable burdens at his feet. They will exert themselves to retain their ancient privileges unvexed by Grant's brothers-in-law and the wide ramifications of his nepotism. The proper beginning of Civil Service reformation would not by any means be found in tenderness about the removal of Grant's appointees. No other President ever made as many appointments not fit to be made. Of course these are not the persons in office to whom the language of Hayes applies, that they should be secure while their character is good and services satisfactory. They never had character and have performed no satisfactory service. Grant has considered neither the country nor the party, and reformation means rooting out his favorites, and abolishing the abuses that he has established as the sacred things of his Administration. That which we wish to have clear before the country is that fixing upon it Grant's appointees as an official class is not Civil Service reform; and we would guard the words of Governor Hayes under consideration from all possible misconstruction on this subject. If Governor Hayes conducts the administration upon the principles he has laid down, he will have liberal use first for the pruning knife.

The best assurance of the seriousness of Governor Hayes in his purpose of reforming the Civil Service, is to be found in his voluntary statement that he thinks the work could best be done by one who is under no temptation to use his patronage to re-elect himself, and his assurance that he will inflexibly refuse to look beyond a single term. This is a declaration that ought to make, as it will make, a very favorable impression upon the people at large, and the character of Hayes warrants us in accepting it without qualification.

On the currency question, the Republican candidate tells us, in the first place, that he stands by his record, which, as it stands, is intelligible. His language is sharp and accurate. He expressly recognizes the legal-tender notes as a form of public indebtedness. They are the representatives of a forced loan, and the understanding that they are so is the beginning of practical wisdom in American finance. The "uncertainty inseparable from an irredeemable paper currency" is alluded to in forcible terms, as inflicting injury upon all our interests. This is an intelligent statement of the great cause of the depression of business. It is uncertainty

as to the value of the dollar that produces financial paralysis. The Governor will, as President, approve any appropriate measure looking to the restoration of specie payments (we wish he could have said "on the old specie basis," but he is not quite educated up to that), and the abolishment of monetary uncertainties; and he will "oppose any step backward." When the Governor says he stands by his record, wants the legal-tender indebtedness paid, and the uncertainty of irredeemable paper money abolished by redemption of notes in coin, and that he will oppose taking any step backward, he is clear and strong. There is, perhaps, some cautiousness of phrase, that the Republican softs may not be needlessly offended, but the matter is made plain.

The Governor has taken an interest in the school system and its preservation from sectarian influences for some years. That interest is not manifested for the first time in the letter before us. Our apprehensions are not equal to his. We do not see the danger of the school system. We know the system is assailed, but regard it, if the schools are made strictly secular—an impregnable fortress. We do not care about the constitutional amendment. We have no objection to it, save that we do not like to multiply amendments. But whatever would place the schools beyond the danger of sectarian control or interference we are in favor of, especially if the Ultramontanes are unhappy about it.

The Governor is not less felicitous in his remarks about the South than in other parts of his letter: "What the South needs is peace, and peace depends upon the supremacy of the law"—"The welfare of the South, alike with that of every other part of the country, depends upon the attractions it can offer to labor, immigration and capital"—"All parts of the Constitution are sacred"—these are worthy sentences; and the express declaration that the South shall have fair play in the largest sense if Hayes guides an administration, should be accepted with all the sincerity with which it is uttered. It may be that he has taken advice as to the construction of those passages in his letter relating to the civil service and the finances. Perhaps several hands and pencils have been employed there, but that portion of the letter touching the South is distinctly from Hayes himself. The language has his personal force in it, and he means every word of it. The Southern journals and speakers, that form and express the public opinion of that section, ought not to treat the kindly and considerate words of the Republican candidate with incredulity and hostility. There is a manly good will in those lines of the paper to which we are inviting attention that should be estimated according to its unquestionable earnestness. They can see much in the lines, and, between them, of the manner of man Hayes is, and it would be well on all accounts, we think, to do him justice and reciprocate his consideration.

The last paragraph of the letter is the best. It would have been sufficient standing alone if the people had not wanted something in the way of interpretation of the platform. "The speedy, thorough and unsparing prosecution and punishment of all public officers who betray official trusts," is good. We like the phrase "Our existence as a Nation"—with a capital N—and we like the omission of any flattery of the Administration, Tariff and Mongolian planks of the platform. Taking all things within our view into consideration, this is a very good letter, and it will help the cause of the candidate who has written it.

BRYAN TO HAYES

20 July, '76

Dear Rud:

I enclose the letter to Mr. Bodine for your benefit. Read it and if it will do you good mail it to Bodine, if it will do you harm put it in the fire and my correspondence with Mr. Bodine ends. I do not know who he is, but I suppose he is connected with the college, as he writes in behalf of the "Authorities of Kenyon."³⁵

I received your note on yesterday, enclosing your letter of acceptance. I had previously read it in the Galveston News. Situated as you are, and from your surroundings, I think your letter an admirable one. It seems to me had I been you, I would in some parts have worded it differently, but I am not in your shoes, or occupy your standpoint, consequently cannot judge for the best. Do you read the *Nation*? I look with interest for the next issue to see what he says of your letter.

The Democratic ticket is a very strong one, and their platform better than yours, but you did not make the Republican. In Texas the people and press generally speak kindly and with respect of you. They admit that you are a good man, etc., etc., but they have not confidence in your party, and fear that you will be forced to submit to *its* dictates if you are elected, and that your administration would perpetuate the present *regime*, and that you will not be able to carry out your promises made in your letter. If you are defeated, it will be from this apprehension, and that you will be forced to yield to old party leaders. In reply, I tell them I hope much from your force of *character, energy and determina-*

³⁵The contents of the letter to Bodine are printed in footnote on page 295, Vol. XXV.

tion in support of the right, which will make you equal to the position and the occasion. And that you had rather go down in such a road, than prosper with your party in one like that travelled by the present administration. But, I must not expect strangers to have the faith in you that I have. I notice in your last the "trust" in "the feelings which our friendship has tended to foster." I should regret that its indulgence "will cost you some support." *May it give you aid* and in that spirit I enclose my letter to Bodine. If you are elected, I hope your party and good men will stand by you in support of your measures of reform. I know that you will try for the best and I trust the South will steadily support you even though they vote for Tilden. I am glad that you "keep cool." Study this, and be prepared for *victory* or defeat. *Victory will try you far more than defeat*, for it will be but the beginning of your trials. If you are elected, you will make a great sacrifice of comfort for the public, during the ensuing four years after inauguration. I entirely approve your declaration in regard to the second term, and your friends should present the *honesty of your motive* in this declaration. My party no doubt will belittle this, but the *true idea* should be kept before the public to enable you to get *all* the benefit of it, for it is a strong point from its *genuine honesty*, and whatever is honest now is eagerly and heartily swallowed by a thirsty people. I address this to Mrs. Hayes for fear it may be overlooked in the mass of letters you now get. Excuse me to your wife for the liberty I take.

As ever yours,

Guy.

HAYES TO BRYAN

Columbus, O

25 July 1876

My Dear Guy:

I corrected your letter to Prof. Bodine in two particulars, and then forwarded it to him. I was ready to go into the Nu Pi, if necessary to carry out our plan, but ten others volunteered to do so and I did not go.

We are all in usual health except my oldest son, who is down with a typhoid fever—not dangerously sick, we think, but requiring constant attention.

I am glad to note the friendly way in which many Southern Dem. papers treat my talk on the South.

Your letters will always reach me. A great many I do not see, but you are known to my clerks.

As ever sincerely

R B Hayes

BRYAN TO HAYES

Galveston, August 18th, 1876.

Dear Rud:

On my return from the interior of Texas a few days since I found yours of 25th July. I am glad that I enclosed my letter to Prof. Bodine to you, for I should have been mortified to find that I had made such a mistake in regard to your having joined Nu Pi Kappa. I would have taken my oath that you had done so. It is another instance of how time affects memory.

You refer to the friendly way in which your "talk on the South" was received. I wish that you had been more explicit & definite on this point, I think it would have been perhaps to your interest. I think there is a general feeling that *you* are an upright man & if permitted will try to do right, but the apprehension is that Chandler, Cameron & others will not permit you to do what you would do on your own volition—in other words the leaders of your party will perpetuate "Grantism" in your administration. If you are defeated it will be this that will do it. In my state the papers & people speak of you kindly as a general thing, but they fear your party influence if you are elected. What is your version of the story about your taking \$400 belonging to a deserter shot in your Brigade? I only allude to it for information so that I can refute it when I hear it charged. I have made no speeches & do not expect to do so. There is little or no excitement in our State on the subject of politics, especially presidential election; our state is so largely Democratic that speaking here is superfluous, & becomes mere matter of form. I am so distant from the real theater of action that I cannot form any opinion of the result. My personal feelings are with you, my party feelings with Tilden. I think the general feeling in the South is your nomination is the best for them that your party could have made, & that in any event the condition of the South will be improved.

My friend Hutchings writes Ballinger that he saw and talked with you at Philadelphia & was pleased with you. He lives across the street from Ballinger & is one of the leading citizens of Galveston. I suppose he is the one you referred to in your letter as having met there. I wish you would send me the book of your life when published. My oldest boy & oldest daughter say if they could vote they would vote for you. I wish you would send me a photograph for each & write their names: Willie J. Bryan, Laura H. Bryan, from yourself. On account of our friendship I want you impressed on their minds. My boy is in his seventeenth year & my oldest daughter in her 12th, both large for their ages. When you can do so write & tell me whatever you would like me to know, for as your personal friend I am sensitive to all that affects you.

Sincerely yours

Guy M. Bryan

BRYAN TO HAYES

Galveston, Sept. 4th, 1876

My Dear Rud:

I returned home on yesterday after a short absence and found two letters from you dated 25th & 27th of June; these letters were received & placed on my bureau during my absence & fell behind the bureau where they remained until my sister-in-law (Mrs. Ballinger) a few days since in cleaning up my room found them. I am truly sorry for this, & I am hurt that seemingly I have been unappreciative of your confidence as exhibited in your letter of the 25th inclosing [J. L. M.] Curry's letters to you. I am glad that Curry writes and feels as he does—the truth is Rud that men of his school, the Calhoun, are the most conservative & reliable men under existing state of things. I knew Curry well, we were in Congress together & I was more intimate with him than with any other of the members. He is a man of large & cultivated mind & was one of the finest speakers in the House.³⁶ The reception you speak of in Fremont I know must have been gratifying in the extreme & particularly so when participated in by Democrats. I rejoice in all that distinguishes & benefits you; in this role I have acted & shall continue to act & when I can

³⁶J. L. M. Curry and R. B. Hayes were law students together at Harvard.

properly help you will do so cheerfully & gladly. I only regret that I cannot take the field. I notice what you say in regard to personal feelings or "friendly feelings" being "undisturbed"; with my knowledge of you I do not anticipate the least ruffle of these—we have been friends too long to have the links even weakened by a political contest where my personal feelings are so much with you. This State is of course Democratic so largely that a single vote of any one does not make any difference one way or the other.

The same feelings that injure Tilden, growing out of the distrust which many of the North entertain of having the Democrats in power, injure you in the South, growing out of distrust of the Republican party & its future action. But for this you would get a larger vote.

The feeling is very general however that so far as *you* are concerned, that you will do all you can to promote *good government* if elected. I can't tell how the contest is going. The smoke of the battle North, where the real fight has to be made, obscures my vision, & I can't see to which side the struggle tends. I know that my heart is with you wherever you side in the fray, & I feel proudly that, let the issue be what it may, *you* rise higher in the scale of life, & Fremont will be honored in all time as being the dwelling place of Rutherford B. Hayes. And your children will bear an honored & distinguished name—one to stimulate them to effort in their future.

I received two papers from you in regard to the mean charge of the \$400. I only alluded to this that I might be posted, for men seem to think I must know everything about you & because I always stand up to you as a man of highest honor and character. I hope you understood this as my only reason for referring to this slander, not that I otherwise attached the least importance to it. As to *your course*, *you* know the *best*. I only suggested.

As ever yours

Guy.

P. S. I enclose you Curry's letters. I can only say I endorse all he says. They are my sentiments, & the sentiments of the best of the Southern people.

BRYAN TO HAYES

Galveston, Sept. 26th, 1876

Dear Rud:

I received a letter to day from Joash Taylor. He says, "Hayes will run well, I think. He seems to be gathering more & more friends every day, & if he is elected as I surely believe he will be, my belief is he will try to better the state of things at the South by wise & conciliatory policy. *I do not think he will be the tool of any party.*" (Italics mine.)

I have not written you lately nor have I received a letter from you for some time. I have watched with much interest the course of events in the Northern States as well as I could from my standpoint. I deplore the renewal of the *sectional* agitation on the part of the Republicans, & the effect it may have on you. God knows we have had enough of this, & the great mass of the people South desire (if permitted) to love & sustain the government of the Union. But it seems we are unable to convince the leaders of your party of this—or if convinced, they know that it is the most successful party slogan, & for this, they will peril the safety of the South. I have uniformly spoken of you favorably, & in the main you have been dealt with most kindly by our papers in this State. But your *Northern* papers *originate* & publish lies about you, & Tilden, that shows the *free* press is licentious. Why can't good men differ in politics & treat each other as gentlemen? I am disgusted with the way the canvass is conducted by the press. I never see one of these reports of calumny against you, but I feel indignant, and if repeated in my presence, *I deny it*. I wish the St. Louis Convention had nominated *you* so that you could have been (if elected) the president of the *whole Country*, & not of a *Party*. I still believe (but I can't make others think so), that you will not be the tool of any party. If you are defeated, it will be this idea that will do it. I confess that I am afraid that "the bloody shirt" issue so assiduously pressed now at the North by your friends, may poison your mind, & that you will not be as free from prejudice at the close of the canvass as you were at the beginning. Still, I rely on your love of right & sense of justice to keep you right, & to make you act rightly if elected. It is needless for me to reiterate what I have hereto-

fore said in regard to the desire of the South to live in peace, & do all that the federal constitution requires. I repeat that such is the desire of the whole South, & if let alone as Northern States are let alone, she will prove it to the whole country. She wants *peace* & equality in the Union. She does not look beyond it. She has no idea of relief except through the ballot box. *War* she dreads for she knows what *it is*. With Lee's surrender expired her last hope in this direction. But why mention this? It seems that all our assurances mean nothing, for when given we are told they are not sincere. When withheld we are upbraided for not giving them. Truly the condition of the Southern people is a hard one. If they do not speak they are condemned, & if they speak as *freemen* they are censured. As one of her sincere & honest sons I mourn & sorrow for her. My hope still is that you will not be turned against us, but will do us justice in spite of all the pressure otherwise.

I purchased a short time since a large picture of you, & it hangs in my room. (I asked you to send me one of your best.) I point my children to it & tell them it is the picture of my dearest friend in College, & that I want them to love him, & I point to it when I have visitors, & tell them it is the face of an honest, good man, one, who has high character, strong will & a nice sense of justice. I say this to Democrats & Southerners of the *candidate* of the *Republican party*! An original secessionist, a Confederate soldier during the whole war, a Democrat in the past & present says this! I know that the people of the South want peace, good local government, & desire to treat the negro in conformity with law, & live in peace & harmony with them. Why can't your people believe us, & let us alone in our efforts to do right, & rebuild our waste places? I believe that you will do this if elected. I shall cling to this faith, & only abandon it when *forced*.

Your letters have been & will be regarded as *confidential*. I am too true a friend to forget this, & too honorable to abuse your confidence. I say this in reply to a word of caution in one of your last letters.

I notice that Col Rev G. W. Carter has been speaking in your State. On *your account* I say to you, I know him well. He is corrupt & unworthy *socially* of any confidence. He was *formerly*

a Methodist minister in this State, & a Confederate Col. during the war. Sheridan (hailing from La) I notice has been in Ohio too. I heard him not long since before a Galveston audience denounce in eloquent & unmeasured terms your party for its treatment of the South. I give you this notice simply for *your* benefit. I know that politics like war makes strange bedfellows, but timely precaution prevents greybacks and itch, & unpleasant complications, & I only speak to induce caution. I have written much more than I intended & consumed too much of your time. Excuse, & pardon my thoughtlessness, & want of consideration for the Presidential candidate in my desire to speak out to my old friend.

Yours as ever

G M B

HAYES TO BRYAN

Private

Columbus, O.

30 Sept. 1876

My dear Guy:

I have your letter, and appreciate as you would wish your feelings and views. It is not in my purpose to reply to your questions. Many, perhaps most of them, are such that we should differ as to the facts implied in them. But of one thing you may be sure, with the amendments all cheerfully obeyed there can be small chance of trouble between men of my views, and men of yours. We should soon harmonise on that basis.

I am less and less solicitous on personal grounds about the result of the election as the decisive day draws near. The country will I think lose by our defeat. It is scarcely possible that I shall not be personally a gainer by the success of our adversaries. In any event I shall be as cool and philosophical about it as any one in my position ever was.

I supposed I had sent you our favorite photographs. It was an oversight if not done. Of the lives, that by Howells, though too laudatory, is perhaps the favorite.

The scandals are numerous, but not enough insisted on in earnest to wound. Almost all soon die, very few will last until the election, and none will survive after it. Don't allow yourself to be involved in conflicts about them. I am charitable in

such cases. The habit of vituperation is a bad one, but some people fall into it, who are not themselves bad.

We are all in usual health.

As ever sincerely

R B Hayes

BRYAN TO HAYES

Private

Galveston, Oct. 19th, 1876

Dear Rud:

I have yours of 30th inst. I received it on eve of my leaving for the country. I have just returned & answer it. I think I can see in your letter the effects of the canvass. I fear you are not now on the sectional question where you were at the beginning of the canvass. But I hope *strongly* the asperities of the strife like the "scandals" will die out with you before the 4th of March next, and if you are elected, you will be the President of the *whole* country, & not of a party merely. You will have such an opportunity as rarely comes to one, if you will avail of it. *I think you will*, & that you will rise to the *full measure* of your *position*. This will be difficult to do, but I think you have the right stuff in you to do it. I do not expect you to be untrue to your party, but especially true to your country, & to be opposed to & free from radical & corrupt men, and to convince the country of this by your actions & associations. Mr. Hutchings has just returned from the North, & has given me an account of his interview with you in a hall of the hotel where both of you were stopping in Philadelphia. You made a lasting impression on him, & he speaks of you in highest terms, he says no one of any knowledge of men can talk with you, but be convinced that you are a sincere upright man, & a gentleman, & that you have great personal magnetism in your intercourse with men. I am glad you met him as you did, & that you impressed him so favorably, for this contest has kept you so continually in my mind, that it has developed all the freshness of the old feeling that has always been in my heart for you, since we became friends at college. I am sorry that we are not of the same party, for I should like to have buckled on armor & rode in the thickest of the fight with you. The Oct. elections have elated my party; they think you will be defeated. I do not think so, if I were to tell you

why, perhaps you would not agree with me—we shall see. I am glad you take so philosophical a view of the result, & that you are prepared for it in advance. No matter how it ends, you are the gainer in reputation & in a bright name for your children. I am glad you were nominated. I believed you would be, & I now think you will be our next President. My opinion however is worth but little as I have not been out of the State during the whole canvass. But I have certain instincts (some call it forecast) that have told me this from the beginning, & I so put it to record in a private letter to the leading Editor of the News before you were nominated, that if you were nominated you would be elected. I have not changed my impressions, but the signs look darker now than heretofore. I am a Democrat & perhaps I color them against you.

Sincerely your friend

Guy M Bryan

HAYES TO BRYAN

Columbus, O.

24 Oct 1876

My dear Guy:

No indeed—I stand by the paragraph on the South in my letter. The more sinister the reports, the more I am convinced that I have hit the true and only solution. *Time, time*, is the great cure-all in such cases.

Our success is now regarded as assured if we are not swindled out of it. Such bribery and fraud, such expenditure of money to accomplish it, was never before seen in Ohio and Indiana. Tammany Hall methods and principles have spread over all the contested States. Perhaps they will win!

I go to the Ohio day at the Centennial this evening.

As ever sincerely

R. B. Hayes

BRYAN TO HAYES

Galveston, Nov 10th, 1876

Dear Rud:

I have yours of the 24th ult. reaffirming your assurances to the South.

I enclose a newspaper slip in which I *believe* you are *incorrectly*

reported. I have so stated when twitted with—"such is your friend, whom you have so constantly represented as being above the petty slang & prejudices of Party, & as holding views & sentiments of a gentleman, a patriot, & a statesman."

I ask as a personal favor that you will answer this at once, stating whether or not you are correctly reported. I do not believe you are, or I would not make the request. I have said that your friends could not induce you to take an office to which you were not elected, & that *you* would not be a party to making up fraudulent returns of elections. I stand by my faith in you *personally*, although we differ in politics, & belong to opposite parties.

Sincerely your friend,

Guy M. Bryan

P. S. I refer to the reported remarks about what would be the condition of the negro, & northern men "under the new regime" in the South.

HAYES TO BRYAN

Confidential

Fremont, O

23 Nov. 1876

My dear Guy:

Your letter addressed to me at Columbus is before me. While I regret that you should be annoyed by the loose report of my conversations, I cannot write anything on the subject for the public. What I say is for yourself alone. My general views on the Southern question were given authoritatively and correctly in my letter of acceptance. I was not aware that anybody was reporting my conversations on the result and consequences of the election until I saw the publication you refer to. That report is correct enough as far as it goes, but it is not complete. My feeling was and is that a Democratic victory at this time will prove especially calamitous to the South—not to the Colored people alone, but to the White people also. The South can't prosper without immigration and capital from the North and from abroad. This remark is not equally applicable to the States west of the Mississippi. But it is measurably true there also I suspect. Doubtless you will have a large immigration from the old Southern States which will help you. Now, that the tendency of a

Democratic victory is to drive off Northern people is a thing perfectly well known here—at least such is my opinion. Possibly your better opportunity of judging may correct my notions as to its effect on the Colored people, but its effect on the interests of the White people I have better means to know than you have.

I can't see why your Democratic friends should annoy you on this utterance of mine. The leading Democratic organ of the Party North, the *New York World*, complimented me on this very point, and said it was an evidence of humanity and statesmanship.

I believe (I hope I am mistaken), that Southern Democrats think it was a monstrous wrong to give the Colored people the ballot and that it is excusable in them if they, the Southern Democrats, in effect nullify the provisions of the Constitution which secure this right to colored men. I hope sincerely that the Southern Democrats will take the advice of the *World*, and thus disappoint my apprehensions. In any event I am the well-wisher of all of my countrymen in the South. I hope they will take the only course which can give them peace and prosperity. Whatever the issue of this business, my affection for you will not fail, but I shall remain "as ever" your friend

Sincerely

R. B. Hayes

BRYAN TO HAYES

Galveston, Dec 10, 1876

Dear Rud:

I have yours of the 23rd ult. So far as the negro is concerned, it is a great misfortune to the country, to the interests of society at the South, & to the negro himself, that he is not left to the management of the Southern people instead of to designing and selfish persons, who teach him that they (the Southerners) are his enemies. As to Northern men living in the South, they are & would be as safe there as they could be in the North, if they deported themselves properly. If I were to go north and so act as to make myself offensive to the people I was amongst, I doubt not I should receive the treatment I merited.

If I was not the first who suggested to you the idea of your nomination by the Cin. Convention, I certainly was among the first (for it was directly after your nomination for Governor).

The suggestion was prompted by my desire (on account of my personal friendship for you) to see you distinguished, & if your party should be successful to have an honest fair-minded man in the Presidential Chair. I did not then anticipate the present state of affairs, that has brought about your present position—one made for you by the administration & the managers of your party.

At the distance I am from you (belonging too to the opposing party), I cannot see through your surrounding & the facts to your duty satisfactorily enough to even make suggestions; hence, I shall refrain from doing so. From my light, it seems to me, that if I was in your place & believed that Mr. Tilden was elected, & my withdrawal *would secure the seat to him*, I should *at the right time*, make my declaration, & put away the crown. I would do this too, not because it would make me *famous*, but from love of country & love of truth. For me to say that you should do this, with my imperfect knowledge of your situation & all the facts governing you, would not only be doing you injustice, but would be presumptuous on my part. I do not say this, although I see that the *Nation* & other papers ask you to do it, & some of my friends say you ought to do so. *Justice* should preside for *both* sides, & the voice of faction & of party should be hushed in her presence, & within the shadow of the Centennial. *Anacharsis*, when speaking of the Athenians, says,

To maintain these manners there must be examples; & these examples must proceed from those who are at the head of government. The greater the height from which they descend, the more deep & lasting is their impression. The corruption of the meaner citizens is easily repressed, & extends its progress only in obscurity; for corruption never ascends from the lower to the higher classes; but where it is daring enough to take possession of the seat of honor, it precipitates itself from thence with more force than the laws themselves can exert; it has accordingly been confidently asserted that the manners of a nation depend solely on those of the sovereign.

This is centennial year, & in it the seeds of dissolution of our great country should not be sown by *party*, but on the contrary, the roots of the tree of Liberty should take such deep hold, that no storms could tear them up. My faith in your principles of integrity & honor have never wavered, although we have differed

sometimes widely in judgements & opinions. I have believed as you saw the right, the right you would pursue.

May you & our country pass safely & honorably through this great crisis, is the earnest heartfelt wish of your old classmate, & sincere friend

Guy M. Bryan

P. S. Is Stanly Matthews in any way related to you? Don't forget to answer this question.

HAYES TO BRYAN

Private & Confidential

Columbus 16 Dec 1876

My dear Guy:

I am glad to get your letter of the 10th. I have small time for correspondence. I send you the Democratic account of my Dayton visit to our Kenyon friend [Richard C.] Anderson. I want to obtain an accurate account of Southern affairs, and to cultivate the friendship, and to *deserve* the confidence of the best people of that section.

Sincerely

R. B. Hayes

P. S. I send you in confidence, to *be returned*, a letter from a trusted & dear friend [Manning F. Force].

H

BRYAN TO HAYES

Galveston, Dec. 25th/76

Dear Rud:

I have yours of the 16th inst. enclosing Mr. Force's letter to you. I return the letter. His last suggestion from my standpoint I could not make to you. His *first*, and your expressions "I want to obtain an accurate account of southern affairs, and to cultivate the friendship, and to *deserve* the confidence of the best people of that section" induces me to give you the words of an old and esteemed friend, a prominent citizen of New Orleans, who is a conservative, intelligent gentleman, not a politician, but one who has for many years devoted his time and thoughts to his profession in which he is eminent. In a letter to me of the 11th inst. he says,

I have nothing cheering to write about our political life. I am satisfied from your repeated expressions of confidence in Hayes as a man, that his private character is estimable and correct. But there are too many historical examples of good men becoming agents of unmitigated *evil* amid revolutionary scenes, for me to feel any confidence in him as the Chief executive officer of the nation. Under his actual circumstances he is not a voluntary moral agent. The political frenzies this campaign has developed would make a Caesar or a Cromwell a supple tool for the time being of inexorable party hate and vindictiveness. Hayes if installed will be bound by party feeling which he will never escape from. Nothing but hope is left us at the South. . . .

I think I do not err when I say he expresses the feelings of the best people of the South. If you had been *elected* in the opinion of such, they would *cheerfully* submit, and feel that in *you* as President there was improvement and prospect for better government, but *now*, they would regard your installation as being effected by fraud, and as a fatal blow at the perpetuity of our present form of government.

They also feel that any movement made by the South for the sake of good government, would be misconstrued by the North, and as she has so long submitted to mere power that it is better she should now be a spectator of what the Northern people and States may will, and do, and then discharge her duty whatever it may be when it is plainly before her. I have been hopeful (through my great personal faith in you) that you would do *right* in spite of all opposing forces and that your lofty action in so doing would *deserve* the confidence of good men South and North, as well as maintain your own self-respect. I still adhere to this hope, I may say *belief*, in spite of all I hear to impair or destroy it. Although, I am true to our friendship, I am also true to my section and my country, and because I am thus true I have written and now write you truthfully, and I trust with correct judgment, but I should not write with the freedom I do if I did not think you desired and the occasion authorized it.

I am glad to see by the Dayton paper (you sent me) that Democrats in Ohio rise above party prejudice and do justice at home.

We have been dear friends too long for such evidence of your

personal worth and high character not to gladden my heart. May no act of yours impair this confidence, and detract from your high character, during the severe ordeal through which you are passing.

I cannot recall Anderson. You speak of him as our Kenyon friend; was he there with us?

Sincerely your friend

Guy M. Bryan

NOTES AND FRAGMENTS

Ben Milam's Rifle and Its Donor.—The Daughters of the Republic of Texas have recently acquired for their State Museum, now housed in the Old Land Office Building, the rifle which Ben Milam was using at the time of his death. It was presented by Mrs. Joseph Pybus, of Palacios, who had inherited it from her father, William Lacy. Mr. Lacy bought the relic at Columbus, Texas, when Milam's effects were sold in the course of the administration of his estate.

David and Sarah Bright, Mrs. Pybus' maternal grandparents, came through Illinois to Texas in 1822. The latter part of the journey was made by boat; the party landed near the mouth of the Colorado River near the present Robbins ranch.

Mrs. Pybus' mother, who was a little girl of 12 when the family came to Texas, married Eli Hunter, four days before she was 14 years old, and the two made their home on the Jackson place near Wharton. Their first child was born on Peach Creek in Wharton County in January, 1824, and is supposed to be the first girl born in Austin's Colony.

After the death of her husband Mrs. Hunter married M. McCrosky from Kentucky; and being again left a widow, married Wm. D. Lacy.

Mr. Lacy was alcalde in Columbus just before the war of 1835-6. The Lacy family were refugees on Galveston Island before the battle of San Jacinto, and Mr. Lacy helped to fortify the camp there. They left Galveston in September, going to the town of Matagorda and locating on the Trespalacios.

Hearing of the proposed sale of some of Milam's effects at Columbus, Mr. Lacy rode there and purchased Milam's horse and rifle. He used the gun constantly for several years, eventually breaking it somewhat by dragging it across a little branch while hunting.

The rifle is in good preservation, though unfortunately, from the point of view of the antiquarian, the old flint and steel has been replaced by a percussion cap arrangement.

Four children were born to Mr. and Mrs. Wm. Lacy, one of whom was Sarah Jane, who married Joseph Pybus, an Englishman, in 1866.

ELIZABETH H. WEST.

NEWS ITEMS

At the meeting of the Mississippi Valley Historical Association in Oklahoma City on March 29-31, Miss Harriet Smither of the University of Texas read a paper entitled "The English Abolition Movement and the Annexation of Texas," in which she brought out the shrewd work of Ashbel Smith, Texan minister to England. Professor Eugene C. Barker read a paper discussing the motives of the early emigration movement to Texas, the sources of immigration, and conditions in the United States and Texas which stimulated immigration. Professor Barker was elected president of the Association for the present year.

The Panhandle-Plains Historical Society held its annual meeting at Canyon, Texas, on February 22, 1923. The following officers were elected: President, T. F. Turner of Amarillo; Vice-Presidents, T. M. Clark of Canyon, and Mrs. Olive K. Dixon of Miami; Secretaries, Margaret Boulware and Hattie M. Anderson of Canyon; Treasurer, C. R. Burrow of Canyon; and Custodian, Tennessee Malone of Canyon. The Society closed a successful year.

From January 11 till April 5, 1923, the *Bandera New Era* published some reminiscences of the late John Warren Hunter, under the title "Heel-fly times in Texas." At the beginning of the Civil War, Mr. Hunter went to Mexico to avoid conscription. Early in 1864, he visited Columbus, Texas, on some private business for a Mr. Cox, also a refugee. The Home Guards, or "Heel-flies," caused him much trouble on this trip.

Harry B. Crozier contributed to the *Dallas News* of March 25, 1923, a sketch of Morgan Jones, who is credited with building over a thousand miles of railroad in Texas.

E. M. Dealey prints in the *News* of April 8, 1923, a sketch of Charles N. Whitehead, who was recently chosen executive vice-president of the reorganized Missouri, Kansas & Texas lines.

The *Texas Law Review* is the latest addition to the list of scholarly periodicals published at the University of Texas. The

first number was published in January. It attempts to excel, in appearance at least, its seniors, *The Southwestern Political Science Quarterly*, *The Texas Review*, and *The Southwestern Historical Quarterly*.

An economic study of a typical ranching area on the Edwards Plateau of Texas is the title of Bulletin 297 of the Texas Agricultural Experiment Station. It is a comprehensive treatment of the business of grazing in Texas. The volume contains 423 pages, 73 illustrations, and is equipped with an extensive bibliography.

In a letter to the *Dallas News* of February 26, 1923, Dr. Alex Dienst sums up the information about Philip Nolan, and indicates the sources where it may be found.

The Sam Houston Memorial Association was chartered March 16, 1923. Its purpose is to collect funds and to erect a monument to General Sam Houston in Harris County, Texas.

The Poetry Society of Texas has published its first annual, *A Book of the Year 1922*. It is edited by Hilton R. Greer, Therese Lindsey, and William Russell Clark.

Deaths of prominent Texans: Allison Mayfield, chairman of the Texas Railroad Commission, at Sherman, January 23, 1923; Mrs. Laura C. Davidson, mother of Lynch Davidson, at Houston, January 24, 1923; Dr. Joel Halbert Gambrell, prominent Baptist, at El Paso, January 30, 1923; Judge Robert Morris Franklin, at Galveston, February 21, 1923; Thomas Mitchel Campbell, ex-Governor of Texas, at Galveston, April 1, 1923. A biographical sketch of Governor Campbell, written by George M. Bailey, was printed in the *Houston Post*, April 2, 1923.

AFFAIRS OF THE ASSOCIATION

The twenty-seventh annual meeting of the Association will be held at Austin in the Main Building of the University of Texas, Thursday, May 10, at 3 o'clock p. m. A program will be mailed to members.



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